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REPORT
ON
CANADIAN ARCHIVES

BY
DOUGLAS BRYMNER, Archivist

1892

(Being an Appendix to Report of the Minister of Agriculture.)



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INDIAN AFFAIRS BRANCH

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REPORT OF THE COMMISSIONER OF THE GENERAL LAND OFFICE
FOR THE YEAR 1880

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REPORT ON CANADIAN ARCHIVES.

DOUGLAS BRYMNER, LL.D., F.R.S.C., ARCHIVIST.

Honourable A. R. ANGERS,
Minister of Agriculture,
&c., &c., &c.

SIR,—I have the honour to present the report on Archives for 1892.

Since the last report there have been received and are now on the shelves, transcripts of the State Papers for Lower Canada to 1825, a continuation of the administration of Monk and in addition those of Maitland, as acting Governors, Lord Dalhousie as Governor-in-chief, Burton as President of the Council and the resumption of office by Lord Dalhousie in September, 1825. The papers during that period deal with matters of great interest; the proposed Union in 1822 of the two Provinces, with the arguments for and against the proposal, which it is well known did not take effect till twenty years later, the report on grievances, the questions between Upper and Lower Canada respecting the revenue and other subjects held at the time to be of vital importance. The last volume received for Lower Canada, shelf marked Q. 173, contains correspondence from the various public offices. Work is now in progress on the subsequent volumes, those to 1830 being nearly completed, as appears by the monthly reports transmitted by the Honourable the High Commissioner. For Upper Canada, transcripts have been received to 1829, covering the period of Sir Peregrine Maitland's administration and the beginning of that of Sir John Colborne, and work is now well advanced on subsequent volumes, which include the correspondence, accounts, diagrams, &c., of the Upper Canada Company, from the date of its establishment in 1825.

From the frequent inquiries respecting the instructions to the Governors, which were nowhere to be found in a collected form, directions were given to have an exhaustive search made and special orders were issued as to the arrangement and method of copying, so as to have the complete set of instructions, unencumbered with repetitions, where the instructions to one Governor were simply duplicated, with the necessary change of name, &c. The instructions were scattered through various sets of papers in the Colonial Office, but they have now been brought together, arranged chronologically, those noted only, not copied, which contained no change, variations given where these were found, and only such instructions subsequent to the first copied, where such a course seemed to be necessary. The instructions, from 1763 to 1867, are now bound in four volumes, being one each for the Province of Quebec, for Lower Canada, for Upper Canada and for the Province of Canada, after the Union of the two Provinces had been effected. A similar course has been followed with the Governors' Commissions, which were found among the Chancery Patents in the Legal Search Room of the Public Record office, each commission forming part

of a parchment roll. They have been bound in one volume and, like the instructions, extend from 1763 to 1867, the date of Confederation, so that the commissions and instructions are at once accessible.

The minutes of the Executive Council are of great importance, but only a few are to be found scattered amongst the ordinary State Papers. These minutes form part of the Board of Trade Papers. Three volumes from 1764 to 1766, have been received and work is now well advanced on the others, so that investigators, when these latter have been received, will have at command a complete view of the decisions and publicly stated motives of the governing body during the period in which it existed.

A reference to the list of documents and books presented during the year will show the extent of the interest taken in the work. Among the manuscripts presented is an important collection of the correspondence of Mr. A. W. Cochrane, one of Sir George Prevost's secretaries in Nova Scotia, for which we are indebted to the thoughtfulness and consideration of the Honourable Senator Almon; Captain Bagot, grandson of Sir Charles Bagot, Governor of Canada from 1842, has sent an exceptionally valuable collection of original manuscripts, letter-books and other documents throwing light upon the events occurring during Sir Charles Bagot's administration. We are also indebted to Dr. Herbert Nelson for some interesting documents from the collection of papers in his possession.

The reports on settlements and surveys are continued in this report on the same principle as those previously given. The names of applicants and grantees being in alphabetical order, and the pages given in the calendar of each volume in which they are contained, the descendants of the original settlers need have no difficulty in obtaining all the information furnished in the reports. Much of that is, however, very meagre, although, even so, it may be found useful in tracing the descent of families making inquiries. The lists given in Note A, are those of applicants for lands before the Province of Quebec was divided and are in continuation of those in the report for 1891.

As in that report, the documents calendared cover the same period in each Province. It is, in fact, impossible to separate them without detriment to the accuracy so necessary in reports of this nature, as although certain local subjects are distinct, the general interests are so closely connected, especially in relation to Imperial concerns and to foreign governments, that this course must of necessity be followed to the date of the reunion of the Provinces, when the documents form part of one general collection, and must be treated as such when permission is obtained from the Imperial authorities to have transcripts made of the documents subsequent to 1842, to which date permission has been given to have copies made. The observations on the documents calendared or published in full in this report will, therefore, be treated as a whole, where that is required by their nature, those of a local character being treated separately.

In Lower Canada events have been brought down to the period of the arrival of Sir Robert Shore Milnes, Lieutenant-Governor, administering during the absence of General Prescott, the Governor-in-chief.

One of Sir Robert's first efforts appears to have been directed towards the increase of the revenues from the properties of the Crown, these having been granted in aid of the civil expenditure of the Province. In this view, therefore, it seems desirable to give details of the transactions with regard to these properties as affect-

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ing the finances, which in the frequent cases of deficits were supplemented by the British Government on requisition from the Governors or administrators. The conjoined rents of the St. Maurice Forges and of the King's Wharf did not exceed £20 a year on Sir Robert's arrival, but he was able to report in one of his early letters, that instead of that trifling sum, he had succeeded in raising the amount to upwards of £1,400 sterling, and that he hoped to increase the rental of the King's Posts from £400 to between £2,000 and £3,000. In regard to the King's Wharf it was determined to retain part of it for military purposes, and for the erection of a Custom-house, which the increase of trade appeared to render necessary, and instead of letting either the Wharf or the Forges by private arrangement, these and all other properties should be disposed of by public competition. The possession of the St. Maurice Forges was an object of keen rivalry between the then lessees (Messrs Monro and Bell) and the Batiscan Iron Co., each offering to give a higher rent than any that might be offered by the other company. The lessees offered an annual rent of £550 and the expenditure of £1,500 on improvements; the Bastiscan Iron Co. offered £800, without an obligation to expend any sum for improvements. This offer was communicated to Monro and Bell, with the notice that a fixed rent must be named, without any proposal for ameliorations, the final offer to be submitted not later than the 22nd of May, that is ten days after the date of the letter, with sufficient security. The Batiscan Company declined to make any advance on their offer of £800 and Monro & Bell, having offered £50 more than the highest rent proposed to be paid by their competitors, were adjudged the lease at £850 annual rent for five years. When the lease was about to expire, Thomas Dunn, the acting Governor, Sir Robert Milnes being absent on leave, found himself in an awkward position, as he had purchased for his sons shares in the Bastiscan Company, and fearing that whatever course he took, either to guard the revenue or to sign a lease for an insufficient amount, he would be censured, tried to throw the onus on the Executive Council, but recommended the postponement of the sale until after the arrival of the Governor or Lieutenant-Governor. In the report of the Committee of Council, reference was made to a previous report made on the 1st of May, 1805, in which two points were mentioned likely to affect the disposal of the lease, the principal being the apprehended scarcity of ore and of wood for smelting, the other being the condition that the new lessees should pay their predecessors for the moveable property on hand, to the amount of £4,000, or such other sum as might be determined by arbitration. On the other hand, the value of the property was to be largely augmented by additions to the lands included in the lease. It was further recommended that the term of the existing lease should be extended to the 1st of April, the rent (£850) remaining the same, an extension at once agreed to by Messrs Monro & Bell, who, it is stated, were willing, even anxious, to continue lessees indefinitely on the same terms. The Council farther reported that the term should be extended to twenty years and that the lease should be publicly disposed of in June, 1806, (the 11th of that month being subsequently fixed upon). The recommendation by Dunn for an indefinite postponement was not agreed to, but a short delay took place on the ground that the surveys were not in such a state of readiness as to admit of the sale on the date first fixed on. On the 1st of October the sale actually took place, the lease being adjudged, after three previous bids, for £60 instead of the then existing rent of £850, Monro & Bell being the successful bidders. In communicating the result to the Colonial

Office, in a letter dated 5th November, 1806, Dunn says: "The sale..... took place on the 1st instant, * when two bidders only appearing besides Messrs. Monro & Bell, the former lessees, it was knocked down to the latter at sixty pounds currency per annum. Although I exceedingly lament the loss which the Provincial revenue will sustain by granting the lease upon terms so very disproportionate to its actual value, I should not feel myself justified in withholding it after so fair and public a sale. I have, therefore, directed the Attorney-General to prepare the draft of the lease accordingly, which I trust will be honoured with your approbation." (Q. 100, p. 398). The answer by Mr. Windham, then Colonial Secretary, contained only a mild expression of regret at the result. The want of precaution at the sale had not, however, passed without remark. Mr. Alcock, the Chief Justice, had recommended Mr. President Dunn to have the upset price fixed at £850, and that no adjudication should be made without three bids of £25 each, but the President refused to insert such conditions. The Chief Justice adds: "This has occasioned a good deal of murmuring and dissatisfaction throughout the town and in short throughout the Province, because these rents had been given up by His Majesty, for the use of the Colony and to go in aid of the Civil Government." (Q. 101-2, p. 425). However, he said, the lease was not yet signed and he would take care that the terms of the sale should be rigidly scrutinized. Lord Castlereagh, who succeeded Mr. Windham, took a much more serious view of the matter than his predecessor. In the despatch dated 4th July, 1807, His Lordship says: "With regard to the appointment of Mr. Fargue, your stepson, to succeed Mr. Lees, as Store-keeper in the Indian Department, I think it my duty to withhold the communicating to you any approbation of this nomination, till I shall receive a more satisfactory account with regard to the letting by auction the Government Forges. It must be evident that works which had let on lease for £850 a year, and which the lessee offered to hold on annually at the same sum, could not have been suffered to be disposed of for £60 a year, if due attention had been paid to His Majesty's interests, and such a lease must be considered as unduly obtained and therefore void. And this circumstance is the more surprising as I am well informed that a rent of £1,500 a year might have been easily obtained and that offers were in agitation amounting to £2,000 a year." (Q. 102, p. 256). The reports and correspondence on the subject are voluminous. On the side of Messrs. Monro & Bell, these gentlemen maintained, that there never had been a fairer sale, and argued, by implication at least, that although from circumstances they had agreed to pay a rent of £850, yet that the reduced rent of £60 a year was the real value, the notices of the sale having, as is shown by the report of the Committee of Council, been advertised not only in the Provincial but also in papers in Great Britain and the United States. In discussing the subject, Messrs. Monro & Bell say: "It must be recollected that to embark in a Manufacture of which one is wholly ignorant, to pay down under the conditions of sale to the old Lessees the Sum of £400 besides the value of the ore drawn and prepared for the Consumption of the ensuing year, the vast Sum to be immediately expended in necessary repairs, &c., require more enterprise and capital than is commonly to be found in Canada, and We doubt much, if His Majesty's Ministers were to wish it, and that his Courts of Justice could set aside the sale, under the indemnifications which it is not denied we should be entitled to, that any individual or set of indi-

* An error, the sale took place on the 1st October.

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"viduals will be found in Canada capable of reimbursing to His Majesty that Indemnification, paying in the £4,000 besides the Cost of ore which by the Conditions of the old Lease the new Lessees must pay upon getting into possession, of immediately laying out the large sum of Money necessary for the future Maintenance of the Works, and who would at the same time be willing to give even the apparently small sum, as it is stated, of £60 per annum."

The statement in Lord Castlereagh's letter that £1,500 or even £2,000 a year might have been obtained for the lease, instead of the £60 actually offered, Mr. Dunn meets by a detailed account of the position and circumstances of the men who had been preparing to make such a proposition. By this statement it is made to appear that the prime mover in trying to get possession of the forges, did so "with no better views than those of a common swindler," and had secured the co-operation of men of no means, some of them respectable, but others of doubtful reputation. "Most fortunately," says Mr. Dunn, "they disagreed among themselves before the Sale of the Lease actually took place and their project fell to the ground." There were no other men of capital in the Province, besides Monro & Bell, inclined to take up these works, and he could say from dear-bought experience, that the Batiscan Company was in no position to do so.

The importance of the increase obtained by Sir Robert Milnes, and on which he relied as one means of reducing the amount necessary to be drawn from the Imperial Government, may be estimated by the statement contained in his letter of the 1st November, 1800 (Note B, p. 14), which shows that the whole amount received at that date from the Territorial Revenues of the Crown was only £1,500, the total amount from all sources £13,199 19s. 1d. and the expenditure £25,000, showing a deficiency of almost precisely £12,000.

At Note B, is a dispatch by Sir Robert Milnes, describing the state of Lower Canada in 1800, which being printed in full need only be referred to. In the answer by the Duke of Portland, dated 6th January, 1801, (Q. 86-1, p. 3), His Grace enumerates the causes of the popular influence in Lower Canada mentioned by Milnes, and expresses the belief that no remedy can be found for the insignificant influence, in a political and social point of view, of the seigniors, except by the exertions, abilities and ambitions of the individual seigniors to emerge from that condition, aided by motives for exertion, and the holding out of all possible encouragement to those in whom suitable dispositions to take advantage of the possibilities thus afforded were to be found. In this view, therefore, His Grace was surprised that the establishment of the Canadian battalion in Lower Canada had met with no better success, its principal object having been to draw the Canadian gentlemen from their indolent and inactive habits and to attach them to the King's service. It was the intention, had any eagerness been shown to complete the first, to have formed a second and third of the same sort. Defects in the organisation of the militia are also pointed out and the remedies, but these appear to be sufficiently indicated in the calendar of the letter at Q. 86-1, p. 3.

To add to the difficulties of the position in which Milnes was placed was the opposition, according to his dispatch of the 26th of March, 1801, (Q. 86-1, p. 142) of Chief Justice Osgoode, who is charged with having laid aside all decorum and of having made use of disrespectful language towards the Lieutenant-Governor in a

large private party and of having publicly violently opposed measures which he knew had received his (Milnes') decided approbation. The causes of this conduct on the part of the Chief Justice are attributed to the refusal by Sir Robert Milnes to dismiss Judge de Bonne from his seat on the Bench and to his disappointment at not being allowed to act as sole adviser and proposer of every government measure. Whoever was at fault, and the misunderstanding between the two highest officials continued till the retirement of Osgoode in 1802, the effect on the government of the Province could not be otherwise than prejudicial. The division of power between the civil and military authorities was regarded as of great disadvantage, and attention was called frequently by residents and others to the benefit that would arise to the administration of affairs were the old policy reverted to of placing the military and civil government in the hands of a Commander-in-chief. In a letter, dated the 28th July, 1806, signed "Mercator," which from a comparison of the handwriting I am inclined to attribute to Hon. John Young, a member of the Executive Council, this view is strongly urged on the attention of the Colonial Secretary, various reasons being adduced, one of these the jealousy that must and, as a matter of fact, did exist between the military and civil heads of the respective offices; the exact words of the letter respecting the other reasons it would appear proper to give in full. "The energy of the Government is not only weakened and rendered less "respectable by this unnecessary separation, but the Civil Governor is destitute of "the means of maintaining that Stile and Hospitality in which his predecessors "lived, and which, in this country, is an essential requisite to attract and to secure "Respect.

"The Canadians, a military people and always accustomed to a military government, hold not in sufficient estimation a person placed at the head of affairs, who "does not at the same time command the troops, and a great relaxation has, of late "years, been permitted to take place amongst them. Paying no taxes, except upon "articles of consumption, they are scarcely sensible of the weight of any government, "in the present circumstances of the colony." The disputes between the Administrator and the military authorities on the death of General Hunter afford ample proof of the statement that jealousies existed, and this is confirmed by a letter from Milnes of 22nd July, 1807 (Q. 106-2, p. 425.)

On the sailing of Milnes, on leave of absence, Thomas Dunn, as President of the Council, became Administrator, but his government was not satisfactory to some, at least, of his fellow councillors. Chief Justice Alcock between whom and Milnes a good understanding did not appear to exist, following in this respect the steps of his immediate predecessor, Chief Justice Osgoode, criticised very severely the personal peculiarities of Mr. Dunn, and his want of the qualities necessary in the important situation he held (Q. 106-2, p. 386). Prescott, still the nominal Governor-in-chief and who during his active tenure of office was also commander of the Forces, sailed on the 29th of July, 1799, and was succeeded in his civil office by Sir Robert Shore Milnes, and in his military capacity by General Hunter, who arrived a few days before Prescott sailed and on the 16th August reached York (Toronto) to assume the government of that Province. The divided duties of General Hunter led to difficulties in carrying on the administration of Upper Canada, and to a difference of opinion between him and Milnes in respect to payments from the military chest and to other subjects which partook of a partly political or civil and partly military character. Hunter died on the 21st of August, 1805, the military command being

assumed temporarily by Lieutenant-Colonel Bowes and afterwards by Lieutenant-Colonel Isaac Brock, between both of whom and Mr. President Dunn, there arose the same class of disputes as with General Hunter, respecting the expenditure of military funds for civil purposes. Acting apparently on the urgent representations made as to the evils arising from a divided command, the Colonial Secretary, Lord Castlereagh, informed General Prescott on the 10th of August, 1807, that the existing state of affairs rendered "it absolutely necessary that a different arrangement should be made in respect to the government of the North American Provinces," and intimating that the King intended to send out an officer to succeed him (Prescott) in the Government. How tenderly were regarded the interests of Prescott, so far as the emoluments were concerned, in an office which so far as can be seen he had held as a sinecure for so many years, may be judged by the words announcing his supersession: "You will, I trust, feel in its true light the motives which at this period have suggested this measure, and I lament that the imperious exigency of circumstances should necessitate an arrangement which may interfere with your arrangements."

The critical condition of affairs in the two Provinces that rendered this necessary is treated of in another part of this report in discussing the apprehended hostilities arising out of the desire of the French to regain possession of Canada and of the demands of the United States for the renunciation of the right of search hitherto exercised by Great Britain.

To judge by the current histories of Upper Canada, the knowledge of the domestic politics of that Province at the beginning of this century, appears to be very limited, only a few vague generalities being given. It has, therefore, been thought desirable to publish at some length the correspondence during the administration of President Grant and part of that of Lieutenant-Governor Gore. The leader of the opposition to government, appears to have been Mr. Justice Thorpe, who is referred to in laudatory terms in the histories of the Province. Without expressing any opinion as to the correctness or otherwise of this appreciation of his conduct, a reference to the correspondence in note D, will show the tone of his letters. The position of Mr. Thorpe as a hot political partisan and a judge of the highest court would not now be tolerated. At any time, however legal it might be, in the sense of not being contrary to any statute, it must have been prejudicial in its effect of undermining respect for judicial decisions, as however impartial the judge might be on the Bench, the public would regard his decisions as influenced, if not dictated, by his political tendencies. His attack on General Hunter, as having nearly ruined the Province by his rapaciousness and that he and his Scotch tools were execrated; that there were no roads, no post, no religion, no morals, no education, no trade, no agriculture, no industry attended to, was a prelude to his attacks on succeeding administrations, and in a postscript to the letter in which these words occur (note D, p. 39) he boasts that he had taken the reins of the Legislature, "though like Phaeton I seized them precipitately, I shall not burn myself and hope to save others." In letter No. 8, of the same note D, p. 40, he repeats the charge, this time including President Grant, who had been selected for the office on the death of Hunter, although not without opposition from Mr. Peter Russell, who maintained that he was entitled to the position and in this claim was supported by Mr. Thorpe.

In 1802, Mr. Thorpe was appointed to be one of the judges in Prince Edward Island, to succeed Mr. Justice Cochrane, appointed a puisné judge in Upper Canada. He had not arrived on the island in January, 1803, when Mr. Cochrane wrote, and probably arrived in spring. He did not remain there long, and his removal seemed to be mutually satisfactory, to the islanders as well as to himself. Of the population he speaks in no favourable terms, owing, not improbably to their not paying sufficient deference to his pretensions, as may be gathered from the following passage in a letter to Mr. Cooke, the Under Secretary, dated at York, 1st October, 1805:—

"I never can be sufficiently thankful for your sending me from Prince Edward Island, the worst people in the world are there. I fear you will have more trouble than the Island can ever recompense you for. I wished to draw a bill to settle the boundaries of the townships, but it was impossible to please the various interests, and in truth they were such a set of miscreants, that what would be a satisfaction to others, would be calamity to them, and, determined to do no more, I blessed you for sending me away and departed."

At the date of the letter quoted, he could only have reached Upper Canada, for he had written to Mr. Cooke, on the 15th of the previous June from Newfoundland, applying for a seat on the Bench in Upper Canada, as successor to Alcock or Elmsley, but short as was the time that had elapsed since his arrival, he had no doubts or hesitation in giving his views on the state of affairs in the Province. "There is," he says, "no governor, no general, no bishop, no chief justice, the Council have made a President," [Grant], but from a kind of cabal amongst them, "they have appointed a man that does not appear to be the eldest member and who seems quite inefficient." How he regarded Lieutenant-Governor Gore may be seen from the correspondence in note D. In consequence of the determined opposition shown by Mr. Justice Thorpe, Lieutenant-Governor Gore believed it to be his duty to suspend him from his judicial functions, a step approved by Lord Castlereagh, who however, desired Gore to intimate to Mr. Thorpe that His Lordship hoped to be enabled to recommend him to some other professional situation, "under an assurance that he will confine himself to the duty of his profession."

Previous to the confirmation of his suspension, a report had reached Quebec that he was to be transferred to the King's Bench there, on which Chief Justice Alcock thought it his duty to give his opinion to Lord Castlereagh. As the opinion of a brother judge, the passage relating to Mr. Thorpe is given in full. The Chief Justice says:

"A report prevails here (from what authority I have not the least knowledge) that Mr. Justice Thorpe is to be removed from Upper Canada to a seat in the King's Bench here. Although I did not much credit that report, I think it necessary I should inform Your Lordship, that I fear such an appointment would have the worst possible effect in this place. I have sufficient knowledge of Mr. Thorpe's conduct in the Upper Province to enable me to say that but for Lieutenant-Governor Gore's wise and decided measures, His Majesty's Government there would have had difficulties before this time to encounter of a most unpleasant nature, the whole of which I impute to Mr. Thorpe. If he was to come here and disseminate the same principles he has there, he would soon raise a faction that would annoy and distress the King's Government excessively."

The correspondence and extracts will furnish evidence of the state of politics in Upper Canada at that date and afford an opportunity to form a dispassionate opinion of the conduct of the Lieutenant-Governor on the one side and of Mr. Thorpe and his leading associates on the other. For the suspension of Mr. Thorpe was not the

only active step taken to put a stop to the opposition. Other officials were also suspended. Mr. Willcocks, the Sheriff, for seditious utterances, Mr. Wyatt, the Surveyor-General, on other charges, although it seems not unreasonable to suppose that the real ground for his suspension, practically dismissal, was his adherence to Thorpe and the others. It may be stated with respect to Wyatt, that being aware his name was Charles Perkin, I had doubts as to the correctness of his signature C. B. as given in the transcripts, believing at first that this was an incorrect copy. But a comparison of a large number of his signatures shews that he always signed in this way, copies made at the time of correspondence from his office and letters addressed to him bear the same initials. Wyatt remonstrated in vain against his removal, but without effect, and in 1816, after Gore's return, he sued the ex-Lieutenant-Governor for libel. The report bears that Charles Perkin Wyatt sued Francis Gore for the publication of a false and malicious libel and for having suspended him from his office as Surveyor-General of the Crown Lands in Upper Canada, so that no doubt can exist of the identity of the plaintiff with the person who signs C. B. Wyatt. (See Annual Register, volume lviii, p. 294 of Chronicle.) By the report of the proceedings it will be seen that he obtained damages to the amount of £300, not for acts of Gore as Lieutenant-Governor of Upper Canada, but for a libel contained in a pamphlet published in London. Willcocks, the dismissed sheriff, joined the invading forces from the United States in the war of 1812, and made use of his local knowledge to assist the enemy; John Mills Jackson wrote a volume, inveighing against the Government of Upper Canada, which was immediately answered by a pamphlet written in equally severe terms, signed "An American Loyalist." Both of these are among the Archives, the original among the printed books, under the title "Jackson" in the catalogue, the answer among the pamphlets with the same title as a cross reference.

The right of the Governor of Upper Canada to expend the revenues of the Province without a previous legislative appropriation was firmly opposed by the Assembly. An address on the subject may be referred to in note D, p. 33 of this report. In the letter transmitting this address (Note D, p. 32), Mr. President Grant, acknowledges the justice of the demand made by the Assembly, although he thought the language intemperate, the fault, as he considered it, not arising from hostility to the acts of Government, but from a want of knowledge of the proper manner of calling attention to the subject. A schedule of the money "misapplied" was attached to the address, but it would seem from what followed that the expenditure was not so much a misapplication as a breach of the privileges of the House. The address asked that this sum (£617.13.7) should not only be replaced in the Provincial Treasury, but that the President should direct that no money should be issued from it in future "without the assent of Parliament, or a vote of the Commons House of Assembly." This course, it is evident, was thought by President Grant to be only reasonable and that the sums mentioned in the schedule should be withdrawn as charges against the taxes and duties imposed by Provincial authority, believing that the Legislature would itself appropriate the necessary amount. (The text of the letter is in Note D, pp. 32-33). To the address a conciliatory answer was returned (p. 35, the proposed answer at p. 37). Apparently the charge of inefficiency brought by Mr. Justice Thorpe against Grant as administrator was justified, as it is fully corroborated by Lieutenant-Governor Gore in his despatch to Mr. Windham, at the close of the first session of the Legislature after he

had taken office. Lieutenant-Governor Gore says in his official report:—"After the violent and turbulent conduct of the House of Assembly, during the administration of Mr. President Grant, it affords me the highest satisfaction to inform you, that the session has passed over without any attempt of the House of Assembly to interfere with the measures, or to embarrass the Executive Government." This was no doubt due, in part at least, to the judicious conduct of Gore in replacing, though still without instructions on the subject, the sum applied to public purposes by the late General Hunter, without the concurrence of the other branches of the Legislature. The House was satisfied and by resolution withdrew its claim to that sum, but established the right to grant or refuse supplies, thus asserting and maintaining the great constitutional safeguard against the encroachments of the Crown on the rights of the people. Gore adds that the resolution passed without dissent, except from Mr. Justice Thorpe, "who has uniformly opposed every measure that could promote the peace, or strengthen the hands of this Government." How long an able administrator could have prevented the assertion of such a principle, it is difficult to conjecture, nor is it now of much practical importance. The power of the purse in England as an attribute of Parliament was recognized at a very early period. In the time of Edward III. (1340-5), it was only maintained after a protracted struggle; the appropriation of supplies was gained in the time of Richard II., but the great struggle which settled the question for all time, began in the reign of James I. and continued in that of Charles I., that Parliament had the power to refuse supply until grievances were redressed and that the granting of that supply included also the supervision of the expenditure, so that whether the similar claim set up by the Legislature of Upper Canada had come sooner or later, it was inevitable that it should become a fixed principle of representative Government, there as elsewhere.

In regard to the settling of lands in Lower Canada, the Colonial Secretary had called for a report on the subject of an allowance to the Executive Councillors in addition to their salaries, as a remuneration for the time occupied and the labour involved in deciding on the applications. In answer Milnes reported on the 14th August, 1800, that the decision on petitions, "the most laborious and difficult part of the land business" had been concluded. Those who had the larger part of the labour were the Chief Justice, the Lord Bishop, Mr. Finlay, Mr. Young, Mr. Baby and Mr. Dunn. Mr. McGill had come to Quebec from Montreal for a month. He recommended that the six Councillors mentioned (excluding Mr. McGill whose loss of time and the expense he incurred in coming to Quebec must have been considerable, apart from the neglect of his important private business) should be granted a whole township with the usual conditions as to associates, &c., or half a township (exclusive of Crown and Clergy Reserves) without conditions, except the payment for survey and of the old fees. He recommended, however, that these half townships should not be granted out of the remainders of townships already granted for reasons given in a subsequent letter (Q. 85, p. 166). In this subsequent letter, dated the 4th of November, 1800, he attaches great importance to obtaining the highest price possible for the lands first sold, and adds: "As the remaining Parts of those townships are of far the greatest value both on account of their having been actually surveyed and subdivided, and of the settlements made in their vicinity, the competition for them cannot fail of proving very advantageous to Government and will probably influence very essentially the value of Lands through-

"out the Province." (Q. 85, p. 248.) He then refers to the proposal to fund the proceeds of the sales of these lands for the benefit of the Province, and expresses his anxiety for instructions to carry this proposal into effect. In a letter dated — January, 1801, (No. 11), the Colonial Secretary approved of the design to enhance the value of the townships sold, pointing out how, in his opinion, this could be best done, and directing that the proceeds of all such sales should be remitted to the Treasury for investment on account of the Provincial expenditure, further directing that no patent should issue until the whole of the purchase money had been paid. His Grace further directed that the Governor, Lieutenant-Governor or administrator and members of the Executive Council for the time being, should be constituted conservators of the Crown and Church Lands, should keep the accounts for each strictly separate and apart, the proceeds of the one to be used for the purposes of the Province and of the other for church purposes in accordance with the provisions of the Act of 1791, for the maintenance and support of a Protestant Clergy, and must, therefore, be invested in trust for these purposes and these alone. Before coming to a decision on the amount of the grant to be made to each of the Councillors engaged in the land granting department, Sir Robert Milnes was instructed to send an estimate of the value of each township. On the 24th of February, 1801, he accordingly did so, and informed the Colonial Secretary, that a township of ten miles square was calculated after excluding the Crown and Church reserves, to contain about 44,000 acres, worth on the average, for those whose outline only had been run, fifteen pence currency an acre, the total value of which, deducting the cost of survey and subdivision and the fees, was somewhat under £2,500. He further explained the method adopted to evade the regulations for granting lands to leaders and associates, by an underhand arrangement with the principal leader, by which he was able to become possessor of five-sixths of the township, or nearly 37,000 acres, instead of the 1,200 intended to be his share. As he thought it to be below the dignity of an Executive Councillor to enter into an underhand agreement, he recommended that whatever was granted should be to each solely, not in association with others, the amount granted to each to be in accordance with his attendance. In June, the Colonial Secretary informed Milnes that the King had decided to grant to each of the six Executive Councillors recommended by him, a grant of a quarter of a township without associates, yielding, after the deduction of expenses, about £600, leaving to him the determination as to what would be a fair allowance for the others.

The policy of extinguishing the feudal tenure of lands was advocated by Milnes at an early period, and an Act passed by the Legislative Assembly for the relief of holders of land *en roture* had his entire approval. The preamble to the Act sets forth, "That the collection of the *lods et ventes*, now due in His Majesty's Domain, "to a certain extent and under certain modifications, is just and expedient, but without limitation would be injurious in certain cases." The text of the Act, being in the third volume of the Statutes, 41 George III., chap. 3, it is unnecessary to do more than refer to it here, the effect of it, apart from the relief of those in arrear, being that to which Milnes attached importance. "It is a measure," he says, "in every respect of sound policy, but I consider it having been carried, as a material step "towards the abolishing in this Province the Feudal Tenure." The advantages arising from this abolition are elaborated in a report from the Attorney-General, to which reference should be made. (Q. 86-1, p. 175.) Before the bill passed the Legislative Council, Chief Justice Osgood the Speaker, protested against its adop-

tion, his reasons being given under five heads, the last of which only need be quoted here, the whole being in Volume Q. 86-1, p. 172, among the archives. In this article the Chief Justice lays it down as a reason for the rejection of the bill: "Because it is an established rule as well of decency as of policy, that every act of grace or remission emanating from the clemency or bounty of the Crown, should originate from the Crown. But by the present Bill, which from its title purports to be a Bill of relief, the Crown debtors will naturally transfer their gratitude from the Sovereign to whom it is due to those who have spontaneously brought forward the measure, namely, the representatives." For the protest, answer, proceedings in the Assembly and Council, &c., see Volume Q. 86-1, pp. 157 to 175, 197, 199.

There appears to have been a considerable amount of friction between the Chief Justice and the Lieutenant-Governor, the latter being supported by all the Executive Councillors as against Osgoode. An address by the Assembly to have a *papier terrier* or land roll prepared of the immoveable property held *en roture* within the Censive of His Majesty's Domain, was presented to the Lieutenant-Governor, who approved of the preparation and referred to the law officers the question of the method to be adopted to carry out the object. Their report was referred to a Committee of the whole Council, which agreed on a report, signed by Osgoode, as Chairman. But appended to the report was a protest by Osgoode in these terms: "Whereas by the Documents communicated to the Committee it appears that the confederation of the Papier Terrier and Censier is to be directed in consequence of an address to His Excellency the Lieutenant-Governor from the House of Assembly, and as a concurrence in such consequential direction may be inferred from the above Report, I do protest against such Inference. For His Majesty not having divested himself of the management of his territorial Revenue, and as the said Address neither states authority nor inducement for their interference, in my judgment, such interference was irregular and therefore not calculated to meet with the sanction it has received." The report was laid before the Council, which referred it to the Committee to report on the protest added by Osgoode. The report of the Committee, after the formal introduction that the reference had been received and considered, concludes: "The Committee humbly but decidedly offer it as their opinion that the said writing in its form and substance as well as in the mode of its introduction is irregular and improper, that it is irrelevant (irrelevant) to the immediate objects which had been referred for their Report, that in so far as it condemns a measure which had been previously determined upon by His Majesty's Government it fails in decorum and Respect and that it ought not to be received or admitted to be entered or filed with the Minutes of His Majesty's Executive Council, they, therefore humbly recommend that the said writing be expunged from the foot of the said Report." (For the documents referred to, see Q. 86-1, pp. 205 to 217, and Q. 86-2, pp. 219 to 227.) Incidentally the question arose as to the practice of allowing protests to be entered in the Minutes of the Executive Council, Osgoode holding that the practice of the House of Lords should be followed. The matter was referred to the decision of the Colonial Secretary, who in his letter of the 13th July, approved of the course of the Assembly, as justified by Lord Dorchester's message of April, 1794, extenuated Osgoode's conduct, as proceeding from laudable motives, considers the measure as declaratory of the rights of the Crown and at the same time rendering their exercise less burdensome to the subject. The rule as to entering protests on the Minutes of the Executive Council being one of permanent

interest, it may be well to give the decision, which, besides, is in very few words. The Duke of Portland, then Colonial Secretary, says: "It appears to me that no better Rule can be laid down than that by which His Majesty's Privy Council here is guided in similar cases. Altho' the most unreserved Liberty of Speech is allowed to all the Members of that Board in the same manner as it is granted to the Executive Councillors of Lower Canada by His Majesty's Instructions, I have reason to believe that not a single Instance of a Protest is to be found on the Minutes of the Privy Council and occasions most certainly have not unfrequently occurred (and indeed must of necessity often occur) where the sentiments of the Members present diametrically differ from each other. Having thus stated to you what appears to have been the invariable Practice here in cases similar to that in which Mr. Osgoode's Protest was entered, I think it unnecessary to enter into any discussion on the Question of a Right which has never been attempted to be exercised, nor has ever been laid claim to." (Q. 87-1, p. 2.) A controversy had still been carried on by Osgoode, as shewn in a letter from Milnes of the 12th of June, not received by the Colonial Secretary until the 30th of July. It is unnecessary, however, to do more than to refer to that letter with its enclosures to be found in Q. 87-1, pp. 105 to 140, in which the whole question of the entering of protests on the Minutes of the Executive Council is discussed.

In accordance with the views of the Colonial Secretary, as expressed in his letter, No. 11 of January, 1801, on the policy of enhancing the value of residues of the townships that had been partly disposed of, Milnes reported on the 24th of June, 1802, (No. 23), that he had submitted the subject to Council, that it was proposed to offer, in the first instance, upwards of 82,000 acres at the minimum price of two shillings and sixpence an acre, yielding at that moderate price upwards of £10,000 for Provincial purposes, the quantity offered bearing a very small proportion to the total amount, although, it was remarked, lands already surveyed and subdivided were much more valuable than others. The letter and proceedings of Council are in Q. 89, pp. 79, 81. The motive of offering this quantity of land is stated in the introduction to the report to be with a view of stamping a value on the land to be disposed of in future. The quantity mentioned in the letter from Milnes is 82,000 and in the resolutions of the Committee of Council, 80,000 acres. There are two clauses in the report to which attention may be drawn as they gave occasion to much complaint. These are:

"5. That the purchaser should, previous to the passing of the patent, take and subscribe the oaths and declaration required by the Royal Instructions.

"6. That there should be a clause inserted in the patent, whereby the patentee covenants that his Heirs, inheriting the lands so purchased, shall also take and subscribe the said oaths and Declaration, then thereunto required."

Attention had already been called to the inconvenience that would arise to natural born subjects by the enforcement of these rules, in event of their absence or the distance of their residence from the place at which the oaths were to be administered, Milnes having pointed this out in a letter (No. 57) to the Duke of Portland, dated 11th August, 1801, in which he asked that the Governor and Council might be authorised to dispense with the taking of the oaths in certain circumstances. The request was repeated in October, 1802. (Q. 89, p. 172.) So far as the correspondence shows, no answer was made to these representations.

The establishment of two systems of law, the French and the English, in the determination of certain classes of questions led to doubts as to which was applicable to cases arising out of disputes concerning lands held in free and common socage, the question being whether these were governed in respect to descent and dower, by the laws of England, or by those of Canada. The question was submitted on the 1st of July, 1803 (No. 60) by Milnes to the Colonial Secretary (Q. 92, p. 159), at the same time transmitting the various and contradictory opinions of the Judges. Chief Justice Sewell and Justices Dunn, Williams, Ogden and Davidson held that the laws of England should govern; Chief Justice Monk and Justice Panet and De Bonne took the opposite view, each of these opinions being supported by elaborate arguments, which follow the covering letter from Milnes. On the 9th of January, 1804, the Colonial Secretary transmitted the report of the Attorney and Solicitor General for his guidance, (Q. 93, p. 58), which laid it down "that the English law of descent and dower must regulate a socage tenure in Canada." (Q. 93, p. 194.) Much of the correspondence in regard to lands is taken up with disputes as to the division of the fees, but on this topic it is unnecessary to enlarge, the calendar will enable any one desirous to prosecute a search on this subject to obtain easy access to all the documents relating to it.

With respect to the Jesuit Estates the grant to Lord Amherst had not been completed. It was impossible to do so without creating ill feeling in all classes of the community who held that these estates had been granted exclusively for the purposes of education. Reference on this point may be made to the correspondence calendared in previous reports. One of the most important of the documents thus referred to, is a petition, dated 19th November, 1787, a translation of which was transmitted by Lord Dorchester in his dispatch (No. 50) to Lord Sydney, dated the 9th of January, 1789. (Q. 35, p. 62.) In the calendar in the report for 1890 a short summary is given of the petition, which states in emphatic terms, the claims believed to be possessed by the population of Canada to the Jesuit Estates. In the memorial signed by 195 persons transmitting the *mémoire* for the inhabitants it is stated that the document transmitted called in the translation "Case", also signed by 195 persons, "establishes the right of his Majesty's faithful subjects of Canada to be educated in this College, and at the same time defines those of the Reverend Fathers, the Jesuits, who under the antient Government were only Professors or successive administrators thereof." The "Case" elaborates these two points in three articles, the titles of which are given in the Calendar of State Papers, Q. 35. (See report for 1890, p. 204 of calendar.) The statement and citations in the first article cover twenty-three closely written pages of foolscap in the original translation, the conclusion being in these words: "As Canadians and citizens they have a Right therein by their Titles and the Laws; the College of Quebec having been founded for their education, it is their Patrimony which they have cleared and Cultivated; even as subjects they have a Right to a public education, which exists in every Government. It is with truth and justice they declare that neither the Jesuits nor their creditors have any right to dispose or confiscate the College and its dependencies to the prejudice of His Majesty's faithful subjects, the Canadians." The second article treating of the causes that have deprived the Canadians of their education in the College since the Conquest, need not be enlarged on here. On the third article, the means to restore education in the College to Canadians, the statement is repeated several times that the Jesuits were only professors or managers of public

property for purposes of education, the emphatic words used in one of the allegations being: "It must have been an error when it was said, that the estates and "edifice of the College for education belonged to the Jesuits, who were no more than "rectors and Professors or Managers". "Would it", the case continues, "have "entered into the generous minds of the citizens, of a hundred associates, or of any "one who had founded the College for Education, that they gave the property thereof "freely and fully to the Jesuits, who according to their Institutions could not have "it in any other manner than as dependant upon the General of the Society of all the "Jesuits throughout the Universe." The petitioners then demand that the troops should be dislodged, and prayed that a lawful meeting should be held of natives or residents in the Province, having an essential interest therein, heads of families, "for the purpose of electing a proper number to represent them as Directors or "managers of the said College and its Estates, to preserve them..... cause exactly "to be fulfilled the wishes of this laudable Foundation by soliciting the approbation "of Government and to restore the ancient Professors of the College or to name others, "and regulate the recompense due to their talents and attentions." Copies of the original French petition and case (*mémoire*) are in volume Q. 84 beginning at page 87. In 1793, a petition was addressed to the House of Assembly by the inhabitants of Montreal, the prayer of which was to a similar effect as that in the petition from Quebec of 1787, although in a less elaborate form, and this being approved of by the Assembly a petition was forwarded by that body to the King praying that on the reversion of the Jesuit property means should be taken to apply it to the education of youth in the Province, a purpose it alleged apparently congenial to the original intention of the donors. Other documents will be found accompanying the letter from Milnes of the 31st January 1799 (No. 16) in Q. 84, p. 41; a list of these is in the calendar of that volume in the report on Archives for 1891, State Papers, Lower Canada, pages 194, 195. With the views held by the inhabitants of at least the three towns of Quebec, Three Rivers and Montreal, as shown by petitions, and there is no doubt by the rural population also, the unpopularity of the proposed grant to Lord Amherst is easily understood. In the report of the Committee of the Executive Council, a postponement of the issue of the grant is recommended until all the documents relating to the properties are laid before the King, but a further reason for the suggested postponement is to be found in the letter from Sir Robert Milnes, accompanying this report and the other documents. In it he says that he did not feel justified in submitting to the Executive Council the policy of the grant to Lord Amherst, "but they have individually acquainted me with their opinion that it "would be a most unpopular measure, and I feel that I should be wanting in my "duty were I now to omit stating to Your Grace my apprehensions that whenever "the grant shall actually pass, it will occasion very general dissatisfaction throughout the province, the consequences of which may be greatly extended by the turn "of affairs on this continent." (Q. 84, p. 41.) He then proposes, seeing the magnitude of the estates, to divide them, giving such share as commissioners might decide to be sufficient to procure the benefit intended for Lord Amherst, which would satisfy him, the rest to be reserved for public uses, so as to satisfy the minds of the inhabitants. A personal investigation, however, into the value of the estates, made in the course of a tour during the months of January and February of 1800, led him to withdraw this proposal, as the whole of the estates did not produce such an amount as could be divided with advantage. As a consequence in a letter dated

the 5th of April, of the same year, he suggests another method of carrying out the King's intentions with respect to Lord Amherst, but is even more emphatic in his recommendation to have the means of education increased, not only for young men preparing for the liberal professions, but also for the whole population. The death of the last surviving Jesuit, father Cazot, removed, in the opinion of the Lieutenant-Governor, one of the arguments of the House of Assembly, from which he expected no further opposition to the grant for Lord Amherst, however unpopular that measure might be. He also urges the postponement of the issue of the patent, until a more certain account of the value of the lands can be transmitted. "I feel myself called upon," he says, "to report to Your Grace, that the absolute want of the means of a liberal education is so severely felt that it will at all events be very grating to the Canadians to see so large a property converted to other purposes and that it would considerably lessen their dissatisfaction could any measures with respect to the establishment of a college be at the same time held out to them." (Q. 84, p. 270.)

In a letter from the Anglican Bishop of Quebec, dated 19th October, 1799. (Q. 84, p. 183), His Lordship calls attention to the disadvantage under which the Province has long laboured from the want of schools, not only Grammar schools for young men intended for the learned professions, or who from their rank may hereafter fill situations of great political importance, but for a not less important branch of the community. "It is well known," he says, "that the lower orders of the people in this Province are, for the most part, deplorably ignorant: that the very slender portion of instruction which their children obtain is almost entirely confined, amongst those who do not live in the towns, to the girls alone; and more especially it is notorious that they have hitherto made no progress towards the attainment of the language of the country under whose government they have the happiness to live." The injurious line of demarcation thus drawn between the two sections of the community is pointed out, dividing as it did into two separate people whose should naturally form but one, and he proposes a remedy, that a certain number of able English teachers should be paid by Government and placed in each city, town and considerable village, with the obligation of teaching English gratis. This communication was referred to the Executive Council and on the 22nd was reported on by a committee, the report approved of and ordered to be entered on the minutes. The committee's report is very short, so that it may be given in full. It is in these words: "The Committee having taken into consideration the paper referred, and being duly apprised of its important tendency to promote the welfare of the Province, do most seriously recommend that the plan suggested may be agreed to." In forwarding the documents on this subject, Sir Robert suggested that a grant of lands should be made for the establishment of Grammar Schools and of a College at Quebec. This, he believed, would not only add to the popularity of His Majesty's Government, but would also be highly beneficial in a political and moral light, and especially as a means of encouraging [the use of] the English language throughout the Province. In July, the Colonial Secretary stated in a dispatch to Milnes, that the proposals of the Bishop recommended by the Council were approved of and he was authorized to grant the necessary sums from the Provincial funds for payment of the teachers' salaries for free schools to be established throughout the Province, especially for teaching the English language, the number to be thus taught not to be limited but general. In addition schools of a higher grade were to

be established on the mode of the English Public Schools, and so soon as it became expedient, other and more enlarged institutions should be founded. The effect of these proposals, which the Lieutenant-Governor had officially made public, had the happiest result according to Sir Robert's dispatch of the 23rd of February, 1801, and although the grant to Lord Amherst would always be an unpopular act, yet this was a peculiarly favourable moment for carrying it out, the order for the establishment of a competent number of free schools, &c., having had the effect of setting aside all reference to the Jesuit estates. A bill was in course of preparation in the Assembly for erecting school-houses in the different parishes, which if not opposed by the Roman Catholic clergy would probably be adopted. On the 5th of July, 1803, (Q. 92, p. 205), Milnes reported that he had referred to the Executive Council, the question of the manner of appropriating lands for education and the extent of the grants. In transmitting the report he remarked on the very extensive scale which the Committee proposed for the necessary reservations, but added that no pecuniary assistance was asked from the parent state, and that in proportion as the waste lands were rendered productive, an essential benefit must arise to the Province, trusting that for these reasons the plan would be recommended for His Majesty's consideration. The report, which accompanied this letter, considered the requirements of three classes of schools. 1. The parish schools to teach reading, writing and the keeping of accounts. 2. Grammar schools, where pupils of the middle class may learn to speak and write their mother tongue with critical precision and to acquire such a knowledge of foreign languages, living and dead, as may be useful in their future career. 3. A superior seminary or university, where youths of a higher rank may receive an education to fit them for the important and dignified stations, to which their situation in society authorized them to aspire. The first was already provided for; with regard to the second, the Committee could not think that less than eight such schools would answer the purpose, namely, one at some place below Quebec, one at Quebec, one at Three Rivers, one at Montreal, one at the new settlement on the Saguenay Bay, and three more to be afterwards distributed. Those at Quebec and Montreal should be erected immediately, as the Province did not afford the means of giving even the rudiments of a liberal education, except through one or two private schools limited in plan and uncertain in duration. A parent was obliged, therefore, to engage a private tutor, which few could afford, or to send the child to Europe among strangers at the most momentous period of life, or "lastly, must resort to the desperate expedient of sending him to the United States, that he may learn to condemn the religion and hate the Government of his native country." To establish schools at Quebec and Montreal on the model of Westminster, Winchester, and Eton, the Committee recommended the grant of lands to yield £20,000 currency for each of these two, a smaller sum might be sufficient for the other six. With regard to a university, the Committee thought it premature to formulate any plan, but recommended, that an appropriation should be made to cover any plan that might be adopted. (For report see Q. 92 beginning at page 210.)

The labours of Mr. Joseph Bouchette, as Surveyor-General, appear to make some reference to his services desirable. The duties of the office, in view of the settlement of the country were important, and for some years before the death of his predecessor, Major Holland, the infirm state of the latter's health unfitted him for the active discharge of the work for which he was responsible, but it was not until after his death that any official investigation was made as to the condition of the

office, consideration for his merit and past services preventing such an examination. When it was at last made, the committee of the Executive Council, to which it was entrusted, reported that the office was in an unsatisfactory condition, and that the system adopted by Major Holland's assistant would, there was reason to apprehend, give rise to much litigation, and Sir Robert Milnes says, "it will require a person of much ability, as well as of great integrity, to establish such a system in the department for the future, as shall equally ensure the rights of the Crown and of individuals." Such a one was found in the person of Mr. Bouchette, to whom the commission of Deputy Surveyor-General was given, in room of Collins deceased, and the manner in which from the first he managed the affairs of that important department is best shown by quoting the words of the Lieutenant-Governor in his dispatch of 22nd April, 1802. "Mr. Bouchette," he says, "has fully answered the expectations which were formed of him both by the Committee and myself, so that since his appointment, every facility has been given to that part of the public business which relates to the granting of the waste lands of the Crown." (Q. 88, p. 70.)

Joseph Bouchette whose appointment to the office of Deputy Surveyor-General was made on the 15th of February, 1802, was the son of a Canadian, as stated by Simcoe in a letter to Lord Pelham of the 2nd May, 1802, to whose fidelity Lord Dorchester trusted his personal safety and in that the preservation of Canada, during the American Rebellion. He commanded the naval force on the lakes of Upper Canada, a post of great anxiety and inadequate profit, in which he conducted himself with great integrity. (Q. 90, p. 289.)

Joseph had from an early age been actively employed in different capacities. In 1791, he was a provincial land surveyor and a draughtsman under his uncle, Major Holland. In 1794, he received a commission as lieutenant in the Provincial navy, serving for five years, part of which time he was in command of one of His Majesty's vessels and saved during that time H.M.S. "Onondaga" off York (Toronto) harbour when deserted by the officers and crew. He was employed in hydrographic surveys of the harbours of Lake Ontario by Simcoe, to his entire satisfaction, and was for some time in command of a row galley on the St. Lawrence, with a detachment of troops to guard against apprehended hostile attempts. Besides the naval, he was also engaged in military service, was lieutenant, adjutant, and instructor of the Canadian militia at Quebec and was subsequently appointed to the command of an artillery company. As already stated, he was appointed Deputy Surveyor-General in 1802, and promoted to the rank of Surveyor-General in 1804, in which capacity he perfected a system of survey and alleged, the correctness of which statement there seems no reason to doubt, that in the three years he had transacted more business than was done in the twenty years preceding.

The promotion to the office of Surveyor-General was actually made by the Lieutenant-Governor in the month of August, 1803, but the appointment was not officially approved of by the Ministry until 1804, although Mr. Bouchette was in the active discharge of the duties of his office during the interval. The establishment was then very limited, and in November, of 1804, the Council recommended the appointment of two clerks and a messenger, the total establishment, in addition of course to the Surveyor-General himself; the salaries recommended were for the one clerk ten shillings a day, and for the other £150 sterling a year, the charge for the messenger to be £40 a year, but that was to include the cost of his board to be provided by the Surveyor-General. These sums, the Committee were afraid, might becon-

sidered extravagant, but it was hoped they would be sanctioned and "not be thought too much for the purpose of procuring and attaching persons who can be depended on in the public service." On the 2nd of May following, the arrangements and expenditure were sanctioned. (Q. 97. p. 38.)

Whilst in London in 1807, Mr. Bouchette urgently called attention to the importance of having the boundary between the Province of Lower Canada and the United States determined, and pointed out in plain terms the difficulties that would arise were this not settled. But the boundary was not settled for nearly forty years later, the two countries being repeatedly on the verge of war from disputes arising out of this question. A reference to the memorandum he submitted may be found interesting, if not now useful. It is in Q. 106-2 p. 437, followed by extract from a speech of the Governor of Vermont, indicating the claims set up by that State. Some days after, he sent the "Heads of a plan of defence respecting the two Canadas." (Q. 106-2, enclosed in letter of 9th August, p. 479.) In the latter end of August, 1807, he left London to take ship at Portsmouth, but was too late and went on to Plymouth; there he could only find a ship bound for St. John, N.B., a misfortune which was afterwards of great advantage. He anticipated a laborious and expensive journey across the country to get to Quebec, although affording him an opportunity of acquiring a more correct knowledge of that communication. How thoroughly his anticipations in this latter expectation were verified, is shown in the topographical description of the various provinces, which he published in 1831, and although it is now fully sixty years since that date, the work is still regarded as an authority on the topography of the country, including the two Canadas and the Maritime Provinces.

The subject of immigration, by name, was little noticed by the Legislatures of either Province, the object of granting the lands to individuals being their settlement by private effort. The list of applicants for lands published at the end of each volume calendared and in the notes in this and previous report, may assist in determining with what success these efforts met. But certain causes and individuals may be noted, as affecting this object.

Colonel Thomas Talbot, who had been in Upper Canada with Lieut.-Governor Simcoe left the Province in 1794, having had a promise of the grant of an extensive tract of land. On his return in the spring of 1801 he, however, found that the promise had not been fulfilled and wrote to the Duke of Kent to that effect. He had arrived, he said, at his favourite settlement (the letter is dated from Skittiewaaba, Upper Canada) and had found his situation all he could have wished. In order to avoid payment of the fees under the new regulations, which rendered the possession of lands more expensive and difficult than when he left, he asked the Duke to adopt a plan which he points out, as he thought he was equally entitled to the rank of *Hidalgo* as other adventurers in a new country. The plan he proposed to the Duke was to obtain for himself the grant by royal patent of the Township of Houghton in the County of Norfolk on Lake Erie, or any adjacent township not granted, exempt from fees and obligations of settlement; then to transfer the patent to him (Talbot), transmitted through the proper channel to have the provincial deeds made out for possession. He mentioned the Township of Houghton as being near his place of residence, this would place "the once gay Tom Talbot" under great obligation; he

was out, he said, every morning at sunrise in his smock frock, felling and burning the forest to form a farm, and adds: "Could I but be seen by some of my St. James' friends when I come home to my frugal supper, as black as any chimney sweeper, they would exclaim, what a damned blockhead you have been Tom, but no, as I actually eat my homely fare with more zest than I ever did the best dinners in London." (Q. 291, p. 517.) The Duke of Kent made the application, but not in the form asked for by Colonel Talbot, but for a direct grant free from the fees, &c., on the ground that the grant had been promised in Simcoe's time, and through oversight not carried into effect. A similar application had been made to the Duke of Cumberland, and the reasons for the refusal of both of the royal brothers to make such a request to the King, throws a curious light on the relation between George III. and his sons. Writing to Lord Hobart on the 11th of October, 1801, the Duke of Kent states the difficulty felt by Colonel Talbot with respect to the obligations he would incur, and says: "To obviate this, from his ignorance of the difficulty there is "for any of His Majesty's sons to address him with a request of any sort, but more "especially of the nature of that which he points out, he has made an application to "my Brother to ask for a township in his own name to be hereafter transferred to him. "But this is quite out of the question, for the Duke of Cumberland by no means "wishes that his name should appear in this transaction." Both of the royal Dukes, however, were anxious that Talbot's wishes for exemption should be granted, for which the Duke of Kent believed there was sufficient justification. The request was complied with, and an order sent that steps should be taken to carry it out. On the 27th October, 1802, Colonel Talbot proposed to Mr. Sullivan a government scheme for attracting settlers to Upper Canada, which he offered to superintend and direct. (For statement of Talbot's services, see Simcoe's letter of 11th February, 1803. Q. 296, p. 286.) In the spring of 1803, he was granted the land he asked for, but as accounts are to be found in printed form of his proceedings, it is unnecessary to enter into them more fully here.

The exertions made by Lord Selkirk to promote emigration are well known, and his publications on the subject are accessible. In 1802, His Lordship laid before Government proposals for an extensive emigration from Ireland to Canada. His proposal (Q. 293, p. 172), was to establish a colony expressly for Irish Catholics in some unoccupied part of North America, where everything should be arranged to suit their religious and national prejudices, that encouragement should be held out to settlers and the expense of their passage be paid from the public purse. Were the plan adopted he would undertake to settle the proposed colony, and if Government would defray the expense of their passage, he would pledge himself to procure any number of settlers that might be deemed advisable. In supplementary observations, sent a few days later, he suggested that the proper place for the colony should be in the neighbourhood of Lake Winnipeg. The obstacle to this was the monopoly of the Hudson's Bay Company, for which he proposed a remedy. (Q. 293, p. 178, see also letter p. 169.) The letter was addressed to Lord Pelham who transferred it to Lord Hobart with notes by Mr. King, who did not agree with the scheme, as he did not think colonizing *en masse* would do, nor that new districts or separate colonies could be formed. Every person settling must be under the laws and executive authority of the Province. As for the fur trade, it took good care of itself and there was a "salutary neglect" which beat all the care in the world. This particular proposal, therefore, came to nothing.

In the meantime an intended emigration from the West Highlands of Scotland, under whose direction does not appear, was reported by the collector and comptroller of Customs at Fort William, but the Board of Customs in Edinburgh appear to have placed such obstructions in the way as to prevent the emigration from taking place.

In July, 1802, Lord Selkirk applied for lands at the Falls of St. Mary (Sault Ste. Marie), and also for a grant in Prince Edward Island. In August, he entered into details of his plans; he would make it his study, he said, to learn the means of finding German settlers, of Scotch he had no doubt of securing a sufficiency, as great numbers were about to emigrate from the Highlands, but was sorry to learn on a visit there that so many had gone to Carolina and others were preparing to follow next year. He could not absolutely state the number of people he could settle, but if terms were not unfavourable he could engage in a few years from 800 to 1,200 families, and if he should obtain the grant of the minerals he would not scruple to undertake still more. (Q. 293, p. 219.) In accordance with this proposal His Lordship sent an agent to examine the situation at the Falls of St. Mary, who was recommended to the protection of General Hunter by Lord Hobart. In November, His Lordship wrote that he had succeeded in overcoming to some extent the habit of the Highlanders to go to whatever place their friends had settled, from which cause so great a proportion went still to Carolina and New York. On condition he accompanied them, 100 families had consented to accept his offers, who otherwise would have gone to Carolina. (Q. 293, p. 256.) Lord Selkirk's plans for emigration it seems unnecessary to trace further. His pamphlet respecting Highland Emigration and the settlement of Prince Edward Island published in 1805, will furnish information of the ideas he entertained on this subject.

In March, 1803, Lord Hobart informed General Hunter, that a body of Highlanders, mostly Macdonnells and partly disbanded soldiers of the late Glengarry Fencible Regiment, with their families and connections, were about to follow to Upper Canada some of their relations already settled there. Their merit and services, His Lordship said, give them strong claims to every mark of favour and consideration, and he had no doubt they would prove as valuable settlers as their connections now residing in the district of Glengarry "of whose industry and general good conduct very favourable representations have been received here." (Q. 294, p. 141). In an undated letter (endorsed as written from Edinburgh in March, 1804), the Reverend Alexander MacDonell wrote to Mr. Sullivan, that as his suggestion had been agreed to of keeping "Scots Catholics" in Canada entirely under the spiritual direction of pastors selected from among their own countrymen, who had been educated in Great Britain, and that a wish had been expressed that he should assume the direction accordingly, he was ready to sail in the first vessel from the Clyde, and could take a well qualified schoolmaster with him, should Government decide to defray the expense. The proposed emigration in a body of the disbanded soldiers of the Glengarry Fencibles was prevented by unexplained circumstances, but the Reverend Alexander MacDonell did not on that account abandon his determination to join his countrymen settled in Glengarry in Upper Canada, and Lieut.-Governor Hunter was instructed to give him every assistance that was possible, which he replied should be attended to on the arrival of Mr. MacDonell, at the same time expressing his disappointment that the disbanded soldiers had been prevented from coming. The Glengarry Fencible Regiment, he

said, "served some short time under my command in Ireland in 1798, when I found them to be a remarkably well-behaved and well-disposed set of people." (Q. 299, p. 49.)

Mr. MacDonell arrived in Upper Canada during the summer of 1804, with, to quote his own words, "instructions from Lord Hobart to take upon him the spiritual charge of the Scotch Highland Catholics settled in the Province." He was to fix his residence in the Highland Settlement of the Eastern District, that is in Glengarry, but to visit occasionally other Highland settlements. The memorial from which this is taken describes Mr. MacDonell as "Chaplain to His Majesty's late Glengarry Regiment." The object of the memorial was to obtain the assistance promised by Government to enable Mr. MacDonell to procure a few clergymen and schoolmasters of their own countrymen for the Highlanders, and to call attention to the great extent of the work thrown on him, which it was impossible he could perform alone. Besides those at his own immediate place of residence, there were settlements at York, Kingston, Niagara, Johnstown and Newcastle. In the Eastern District, the Highland settlement included the whole tract between the St. Lawrence and the Ottawa, composing the Counties of Glengarry, Stormont and Prescott, with a population of 10,000 rapidly increasing. (Q. 305, p. 4, see also the account by Bishop MacDonell of the settlement of Glengarry, among the Archives. The catalogue of the printed books may be referred to under the title "MacDonell," and under the same title is a statement among the manuscripts series M.)

In 1803, a proposal was made for a Swiss settlement in Upper Canada, in 1805 Sir George Mackenzie made inquiries as to the prospect of sending a number of his tenants there, and in 1807 a petition was sent by Lancashire labourers for assistance to emigrate, but, so far as the documents show, no result followed these movements.

Great importance was evidently attached to the cultivation and preparation of flax and hemp to be used for cordage for the Royal Navy. The correspondence relating to both Provinces clearly establishes this fact. The most liberal encouragement was given to persons who intended to enter on its cultivation, and premiums were offered of considerable amounts for the best samples sent to Britain. Some remarks on this subject may be found in the report for 1891, pp. xlii and xliii.

The sums proposed to be invested in this industry were comparatively large. Mr. Philip Robin, junior, of the Island of Jersey (presumably one of the family of Robin, Pipon & Co., engaged in the fisheries) proposed to invest £10,000 sterling in the cultivation and preparation of hemp, should sufficient encouragement be offered by Government. The attention of Mr. Robin, it was stated by Messrs. LeMesurier, who forwarded his application and engaged to become security for the fulfilment of his engagements, had long been directed to this object, but the length of time required before returns could be received had hitherto deterred him from turning this knowledge to account, so that it was necessary for Government to assist with advances during the first years. He desired that all the transactions should be between him and the Imperial Government owing to the failure of all previous attempts made under the supervision of the Provincial authorities. This latter statement is not borne out by the correspondence, as the Colonial Secretary writing some months after the date of the application on behalf of Mr. Robin, expresses his

satisfaction at the progress made and hoped that the Legislature would take measures to promote effectually this very important object. In accordance with this desire on the part of His Lordship, an Act was passed in the following session, and the subject, says Sir Robert Milnes, was taken up with considerable spirit in the districts of Quebec and Montreal, in which committees had been established, which had jointly issued instructions in English and French, "On the mode of cultivating and preparing hemp," shorter instructions being published in the *Official Gazette* by the Montreal Committee, with the following advertisement, in English and French as are all the documents issued by the committees. "Notice is hereby given to persons inclined to raise Hemp, that seed will be delivered gratis, at Quebec and Montreal, to such persons as will engage to sow the same, not exceeding two and one-half bushels to one person, and that nine pence per pound will be paid for good clean Hemp of the growth of Lower Canada, equal to samples of Russia clean Hemp, to be seen at Quebec and Montreal and delivered on or before the 30th September, 1803, and twelve shillings and sixpence per bushel for good ripe Hemp Seed delivered on or before the 1st January, 1803." The Act (George III., 1802, Cap. V.) provides for the application of £1,200 currency, to enable the inhabitants "to enter on the culture of hemp with facility and advantage." Premiums were also offered by societies, and at page xliii of the Report for 1891, already referred to, it will be seen that in 1804, Mr. Isaac Winslow Clarke, Chairman of the Montreal Committee, received the gold medal from the Society of Arts &c., for hemp grown in Lower Canada, the other medals being awarded to Upper Canadians.

That the interest in the subject was widespread is apparent from the evidence afforded by the correspondence. Sir Joseph Banks, the President of the Royal Society and a man of distinguished attainments, in reply to a reference from the Board of Trade, gave some information that will help to account for the abandonment of this industry in the Canadas, in spite of every effort to foster and encourage its prosecution. In respect to the probability of obtaining a supply from the British Colonies in America he is not hopeful. On this head he quotes from a communication from Stephen Shairp, Esq., which says: "In countries where the hemp is grown, the peasants are *glebi adscripti* [serfs], whence it is that no large farms can exist there and hired labourers are not easy to be procured. Hemp, therefore, is seldom cultivated in large fields, but generally in small patches near the house of the peasants each of whom raises as much as he thinks he can, with the assistance of his family, prepare for the market, and no more." Mr. Shairp gives further details respecting the mode of collecting for the market, &c., and after pointing out the immense value of this industry to Russia, adds: "A stoppage of this trade would paralyze the Empire in every vein, for it extends to the most minute ramifications." Hence Sir Joseph concludes that the exportation of hemp from Russia cannot be stopped under any conceivable circumstances, and that however low the price paid to the British or Colonial producer, Russian hemp will be offered at a still lower rate. Sir Joseph then enters into calculation of the cost, founded on those made by Chief Justice Elmsley for Upper Canada, and shows that the price when delivered for the Navy is greatly in excess of that at which Russian hemp can be obtained. His final conclusion is that hemp should not be grown in a populous country, as for every ton raised there is a deduction of sixteen quarters (128 bushels) from the food of the inhabitants. (The letter in Q. 90, p. 323; may be read with advantage, as it shows how impossible it was then, and it is to be presumed even now, to compete in the

market with hemp of Russian growth, the hemp produced in Canada being at present restricted to that grown in small quantities on a limited area.

The reports of the ropemakers (Q. 93, pp. 151, 154) agreed as to the tensile strength of the hemp, which for some purposes was, they considered, better suited than any other, but the imperfect manner in which it was prepared for the market seriously diminished its value.

Among the applicants for land to be set apart for him as a bounty for raising hemp was Philemon Wright, the founder, it may be said, of the lumber industry on the Ottawa, and whose descendants still occupy positions of note in that district. His application was for Kettle Island, opposite Templeton, a few miles below the present City of Ottawa, and so much fit land in the townships of Hull and Templeton as could be found for the cultivation of that plant. The committee, however, in view of the prohibition either to grant, or to give leave to occupy, islands, refused the first part of the petition and adjourned the consideration of the second. The proposals made by Mr. Wright were: 1. To engage to sow 100 acres in ten years or less, 10 acres to be sown next spring (1803). 2. To erect a water or horse mill for preparing the hemp. No return to be asked for the loan of the seed for the first season, a grant of 10,000 acres of arable land on the Grand or Ottawa River, independent of the premium or other encouragement offered by Government. He pointed out the great expense that must be incurred by erecting mills and procuring workmen from New England, and urged that if his proposals were agreed to, the land should be set apart at once so that he could have it prepared without delay for cultivation.

The counter propositions of the Committee were: That Mr. Wright should raise hemp in the township of Hull for ten years to the extent of ten acres annually and receive 200 acres for each ton of good merchantable hemp delivered and inspected, but the amount on which the grant is to be based is not to exceed 100 tons (that is 20,000 acres as the maximum); he could sell the hemp to the best advantage; he was to receive no additional bounty from the Provincial or British Government, but that did not debar him from receiving premiums offered by agricultural societies or any other private bounty. The Committee recommended that 20 bushels of seed should be advanced for the first crop, to be returned next year if required, Mr. Wright agreed to the counter proposals, so far as regarded the annual sowing of ten acres, but asked leave to modify his proposals after a year's experience. The plan proposed by Mr. Wright of sowing in drills, was negatived by the Lords of Trade on the ground that whilst better seed might be produced, the expense of cultivation would be increased and the quality of the fibre injured by the plants sending out numerous side shoots, the broadcast system and thick sowing being the best to pursue. Other applicants in Lower Canada will be found mentioned in the calendar, a reference to which will enable investigators to obtain access to the text of the documents.

In Upper Canada a similar disposition was shown to enter upon the cultivation of hemp. Colonel Talbot, the founder of the Talbot settlement, selected the township of Yarmouth in Western Canada, now Ontario, as suitable for its growth, and proposed to extend its cultivation through the whole township. So far as the volumes calendared in this report are concerned, the references to the cultivation of hemp in Upper Canada are few and the information meagre, yet the proof that it was engaged in to a certain extent is undoubted, one of the evidences being the giving of medals to farmers in Upper Canada by the Society of Arts, etc., for the quality of hemp produced. (See Report for 1891, p. xliii.)

The question of impressment only comes up incidentally, although it was carried to a high degree, many of the vessels in Quebec being left so short-handed that their sailing late in the season was attended with very serious danger owing to the weakness and consequent inefficiency of their crews. Nor were the seamen taken without resistance, so that bloodshed was frequent, and occasionally a life was taken, of which an instance may be found in the calendar of a previous report. Even the protection afforded by law in the case of persons specially exempted from being thus kidnapped was not always sufficient to preserve their liberties, the press gang not caring to distinguish too closely between those who might and those who might not be pressed into His Majesty's naval service in time of war. Two cases are mentioned in the documents calendared in this report. One reported on by Sir Robert Shore Milnes in his letter of the 15th of November, 1804, (Q. 96, p. 2) was that of John Queen, apprentice to a hatter named John Digouard at Quebec, a boy under eighteen and who had never been at sea. He had been carried off by the press gang of H.M.S. "Orpheus," and the Lieutenant-Governor applies for his return and for the redress which he holds to be due for such a violation of law. The other case was that of a son of Judge Panet, who had been pressed in London, two years before, and was serving still as a common seaman on board H.M.S. "Excellent" in the Mediterranean. Sir Robert stated that he had already made application for the return of the young gentleman through private channels and now wrote officially. (For the danger to the navigation of merchant vessels caused by the practice of impressing, reference may be made to this letter Q. 96, p. 2.) In consequence of the representation made by Milnes, Lord Camden took immediate steps to have the young man delivered up, and on the 22nd of May he was informed that young Panet had been discharged from the "Excellent." What became of Queen is not on record.

The difficulty of obtaining means to build Gaols and Court-houses in Lower Canada was attempted to be overcome by lotteries for raising the necessary funds. But the proposals to that effect were not agreed to. The substitutes that could be made use of as places of detention were not satisfactory; as they neither afforded security for the custody of the prisoners, nor the shelter that humanity required. In 1796, the Grand Jury of Montreal, whose attention had been called to the subject by an indictment laid before them against the gaoler for the escape of prisoners, visited the gaol and in a presentment at the September term of 1796, represented that the outside walls of the building were so decayed as to be not only insufficient for the safe custody of prisoners, but that it was absolutely impossible to make them secure without being rebuilt. The Grand Jury of Quebec made a similar presentment respecting the gaol there, entering into minute details of its condition. The occupants of each floor were described, some under sentence for aggravated crimes, murder, &c., others confined for venial offences, but all shut up together. The jurors, after enumerating the sufferings endured by the prisoners from cold in the severe weather, called for the interference of Government to establish a properly arranged gaol, in which a division of the prisoners could be made, and the sentence of hard labour be carried into effect. The presentment further alleges, that those prisoners suffer no other punishment than deprivation of liberty, "their friends or relations being allowed to carry them all sorts of provisions, and from their remaining so long in a state of idleness, mixed as they now are with other offenders, they

"are in great danger of leaving the gaol at the period of their confinement more "hardened in vice than when they were committed."

In 1804, the Grand Jury of Montreal made another presentment, which gives a picture of the state of the gaol, which, if correct, showed plainly the necessity for a new building, and of its correctness there is no reason to doubt. The presentment states: "That the present gaol is only the ruins of the former one, which was "burned, repaired and patched up in such a manner that the prisoners are sheltered "from the inclemency of the weather, but by no means prevented from going out "of it whenever they feel so inclined." The exposure of the inhabitants to all sorts of outrage is represented as a strong reason for a new gaol being built, and the assistance of the court is requested to obtain the remedy so imperatively required. The Chief Justice, Monk, forwarded the presentment to the Lieutenant-Governor, with a recommendation that its prayer should be given effect to, and Sheriff Gray was asked for a report on the subject. From this report it appears that the same building had existed under the French rule, that it had then, as well as subsequently, suffered from fire, and that although the sum of £615 had been recently expended on repairs it was still inadequate to the security of prisoners.

In accordance with the reports, &c., an Act was passed in 1805, by which Commissioners were appointed to have a gaol erected in each of the cities of Quebec and Montreal, the cost in each case being restricted to £9,000 currency, the amount required to be levied by duties on goods imported into any part of the Province. On the question of erecting the gaols in these two cities, there was no difference of opinion in the House of Assembly, but on that of the ways and means for carrying out the object proposed, a discussion at once arose, the members of the Assembly connected with trade being urgent for the imposition of a land tax, the land-holders, English and Canadian maintaining that the amount required should be raised by means of import duties, which latter proposal was embodied in the Bill. Petitions were then sent to Legislative Council by the merchants of Quebec and Montreal against the Bill and leave asked to plead at the Bar of the House which was refused, and the Bill passed the Upper Chamber unanimously. The Lieutenant-Governor was then petitioned to reserve the Bill for His Majesty's consideration, but on the report of the Attorney-General, to whom the question was referred, it was decided to grant the royal sanction without reservation, and the Bill became law. For the arguments for and against the policy of imposing import duties, reference may be made to the letter of Sir Robert Milnes of the 12th of April, 1805, (No. 22), in which a very full account of the discussions is given, as well as of his own reasons for giving his assent. (Q. 97, p. 59.) Copy of the petition of the merchants of Montreal to the Council against the Bill is in Q. 99, p. 100, that from the merchants of Quebec to Milnes, being a duplicate of that from Montreal, has not been copied. In view of the importance attached to this impost by the mercantile community, reference may be made to the memorial by merchants in London trading to Canada for the disallowance of the Bill in Q. 99, p. 285, the covering letter from Mr. Inglis of the firm of Phyn, Inglis & Co., being at p. 284.

In the previous reports information was given respecting canals for the transport first of military stores and afterwards of merchandise, some additional papers on that subject are calendared in this report. Among these is a memorandum by Sir Alexander Mackenzie on navigation by the Upper St. Lawrence. His proposal made in the most general terms is contained in Q. 293, p. 120, but no plan of any

kind is suggested, beyond the fact of the feasibility of opening a navigation from Montreal to Lake Ontario, with a length of canal of fourteen miles, of easy construction, as against upwards of ninety miles from Albany to the same lake, and he urges men of capital in London, who would no doubt be appealed to for means to carry on so vast a work as the latter, for which the resources of the projectors in the United States were inadequate, not to be tempted to assist a foreign, to the detriment of the mother country. Colonel Mann, commanding the Royal Engineers, to whom the proposal was referred, remarked on its vagueness, but agreed that at a moderate cost such a system of navigation as was proposed by Sir Alexander Mackenzie was practicable, the improvement in navigation being in many places of easy accomplishment even without the expense of canals or locks, but he attached the greatest importance to the construction of the canal from Montreal to Lachine. He assumed, an assumption that appears to be forced and non-natural, that Sir Alexander, in speaking of a canalage of fourteen miles, means that distance in a continuous line, and needlessly controverts such a statement. "It is possible," he says, "he may mean the sum of all the different lengths to be cut through at different places may not exceed fourteen miles," which to those who know the ground, and Colonel Mann was one of these, would appear to be precisely what Sir Alexander did mean. Colonel Mann's condition, before giving an estimate of the cost and of the time necessary for the accomplishment of the work, that the propositions should be very explicit, was but reasonable. The result of cutting a canal across a neck of land above the Cascades, he stated to have been satisfactory, as the cost would soon be repaid out of the tolls, but doubted very much if this would follow the construction of fourteen miles of canals and locks, a doubt which he attributed to his want of commercial knowledge, as a reason for his diffidence in pronouncing an opinion. Whatever may have been Sir Alexander's exact plans, his scheme has been substantially carried out with the addition of the Lachine Canal to which Colonel Mann attached so much importance. The communication between Lake Ontario and Montreal, besides that from the Upper Lakes by the Welland Canal, has been completed on a liberal scale, enlargements of the canals and locks having been made more than once, and the navigation otherwise improved. Reference may be made respecting canal projects to the reports on Archives for 1886 and 1890.

The state of religion, so far as Protestants were concerned, was not satisfactory either in Upper or Lower Canada. The first Anglican Bishop complained frequently and bitterly of the treatment accorded to the Church of England. In his letter of the 6th of June, 1803, (Q. 92, p. 253), printed in full at note C., in this report, he draws a comparison between the position of the Roman Catholic Church and the Church of England in Lower Canada, in which he says: "Compared with the respectable establishments, the substantial revenues and the extensive powers and privileges of the Church of Rome, the Church of England sinks into a merely tolerated sect, etc.," and calls attention to the use of the title of Bishop of Quebec by the Roman Catholic dignitary, his official title being, he states, "the superintendent of the Church of Rome," who under the immediate sanction of the Pope's Bull has entered upon his episcopal functions, and exercises without control all the patronage and other privileges attached to the rank of a Bishop. (See the letter referred to and Appendices B, C and D.) An interesting conversation and report of a second will be found between Mgr. Plessis and Attorney-General Sewell, beginning at page 23

of Note C, and reference may also be made to the other documents printed in full in that note. In forwarding the two reports from the Attorney-General of the conversation between him and Mgr. Plessis, the Coadjutor, Sir Robert Milnes stated that both the Bishop and Coadjutor would accept the terms offered, and forwarded a petition from Mgr. Denaut, the Roman Catholic Bishop, praying that he and his successors should be civilly recognized as Bishops of the Roman Catholic Church of Quebec, "and enjoy such prerogatives, rights and temporal emoluments as Your Majesty shall graciously attach to that dignity." (The petition, with a translation, is at the end of Note B.) In the letter of the 4th of July, 1805, (No. 28), forwarding this petition, Sir Robert Milnes wrote, in reference to the application by the Bishop for an increase to his allowance, that as a condition precedent to such an increase "he shall implicitly conform to the 44th article of His Majesty's instructions, which requires that no person whatever shall have the cure of souls without a license first had and obtained from the Governor, etc., and which hitherto has never been enforced, but which I was directed by His Grace the Duke of Portland to endeavour to effect by every means which prudence can suggest." Further on in the same letter he says, "I have every reason to believe that both the Bishop and Coadjutor would not hesitate in accepting the terms, if it were not for their dread of the popular clamour, and their fear of being accused of relinquishing the pretensions of their Church for considerations of private advantage, scruples which I have little doubt they will lay aside, if the object is steadily followed up." The letter of Milnes from which these extracts have been very fully calendared, and deals besides the questions relating to the Bishop, with that of the properties held by the seminaries, with reports attached dealing with both subjects. It may be added that Mgr. Denaut died on the 18th of January, 1806, and was succeeded by Mgr. Plessis, Coadjutor, who took the prescribed oaths on the 27th of the same month, M. Panet being appointed to the office of Coadjutor and taking the oaths on the 8th of February following, although at first some doubts were entertained as to the propriety of M. Panet's appointment.

In compliance with repeated representations on the subject of the want of church accommodation for the Protestant inhabitants of Quebec, made by the Lord Bishop, to which a slight reference was made in the report for 1891, the Colonial Secretary, the Duke of Portland, wrote to Milnes, as there stated, on the 24th of July, 1799, authorizing the building of a Metropolitan Church at the seat of Government, on the site of the late Church of the Recollets, and to apply for that purpose a sum not to exceed £400 annually, having no doubt that the inhabitants would contribute to the extent of their means towards the accomplishment of so laudable an object. As the law did not authorize the collection of tithes, it was the duty of the Provincial Legislature to make some provision for the officiating clergy. These means, however, he believed would be more easily found than suitable persons for the office, a point on which he was in correspondence with the Society for the Propagation of the Gospel. How correct was this view may be seen by a reference to the Calendars for both Provinces, which show the almost impossibility of obtaining efficient clergy for the parishes as they were formed.

A commission was appointed to superintend the building of the Metropolitan Church at Quebec, and in June, 1800, the commissioners reported that they had fixed on a plan and obtained estimates of the cost, which amounted to £4,925 19s. 6d., independent of several articles unprovided for. These were: the steps, the pulpit,

reading desk and clerk's desk; balustrade before the altar; enclosure walls; pay of master mason. In the report it is stated that the extent of the building necessary for the accommodation of the congregation, civil and military, had not been exceeded, nor was the material used other than a proper degree of stability demanded. The Commissioners, it continues, "have not aspired to ornament, but have directed their views merely to decent simplicity." (Q. 85, p. 198.) The dimensions of the proposed church were to be 130 feet long, 60 feet broad, and 34 feet high from the basement. (P. 200.) The Commissioners further represented that the estimate so far exceeded the means at their disposal, that a more ample sum in the first instance, had become necessary, the additional expense caused by frequent interruptions to the work would, they hoped, excuse them from the charge of presumption. Sir Robert Milnes, in forwarding this memorial, supported its prayer, having already in his letter of 12th November, 1799, (No. 11), when he submitted the names of the Commissioners forewarned the Colonial Secretary that little could be effected from private contributions, and that in the climate of Quebec, it was necessary to advance a considerable sum the first year, so that the building might be in a sufficient state of forwardness to secure it from being damaged by the inclemency of the winter. (Q. 84, p. 4.) He represented also, in his letter of October, 1800, the "singular attention" paid by the Lord Bishop and the other Commissioners to keep the expense down to the lowest point possible. (Q. 85, p. 196.) Should the grant, he continues, be restricted to £400 a year, the time occupied in completing the building, at the cost shewn by the estimates, would be twelve years. In the meantime the foundation had been laid and some part of the additional materials purchased for continuing the work, these operations having been rendered possible by the payment to the Commissioners of £800, that is the allowance for two years. In January, 1801, the Colonial Secretary, in view of the enhanced cost that would be caused by delay, authorized Milnes to advance such larger sums as he might think proper to enable the work to be completed without interruption, but His Grace repeated, "I must observe that as the King's bounty on this occasion was intended to encourage and accompany the exertions of His Majesty's Protestant subjects in Lower Canada, it is expected that such a proportion of the estimated expense of building the church will be defrayed by them as their circumstances may reasonably enable them to afford for the completion of a work so important to their interests and so worthy of their liberality." (Q. 86-1, p. 10.) No result, so far as appears in the correspondence, or a result so trifling as not to be noticed, followed this appeal.

On the 7th of April, 1802, the Commissioners sent a second report, showing the greatly increased cost over the first estimate, owing to want of experience in the erection of buildings of that kind, together with the additional expense of living and the consequently enhanced price of labour. This representation was forwarded by Milnes, who corroborated the statements contained in it, and in view of the importance he attached to the completion of the church proposed to continue the larger payments over the first limitation, as authorized by the Duke of Portland's letter of the 6th of January, 1801. (For this letter see Q. 86-1, p. 10, in which the month only is given). In accounting for the laxity of the Protestant population to contribute towards the expense of building the church, the Lieutenant-Governor's letter of the 17th of May shows the policy of the British Government to have been to place the Church of England on the footing of the Established Church in Canada, to which, it was hoped, all the protestant inhabitants would adhere. This is only one,

however, of many evidences, of such a policy. After pointing out the important advantages that would result from putting the church establishment on a respectable footing, as one reason for continuing the advances, the letter continues: "It may be proper here to remark to Your Lordship that a great proportion of the Protestants in Lower Canada are not of the Established Church, and that the circumstances of those who are, will not enable them to contribute by voluntary subscriptions such a sum to the present building as might materially lessen the advances looked for from Government. But although a majority of the Protestants are not declared members of the Church of England, yet there clearly appears so general a disposition to conform to it, that I consider the probable event of uniting His Majesty's Protestant subjects of all descriptions in one communion, as by no means the least advantage to be expected from putting the establishment upon its proper foundation." (Q. 88, p. 150).

On the 28th of April, 1803, another memorial was sent from the Commissioners with statements showing the cost incurred and still to be met. The first statement shows the amount expended for the various services, materials, workmanship, &c., and it may not be uninteresting to local historians to know the amounts expended for stone from the different quarries. Up to the 31st of March, 1803, the stone from Cape Diamond cost £496.6.6; from Beauport, £78; from Ange Gardien, £547.11.8; from Pointe aux Trembles, £825.10; and from Cap Rouge, £182.18.6. The total cost to that date was (actual and estimated for one month) £15,059.5.10 currency, or £13,553.7.3 sterling, the amount still required to complete the building being estimated at £2,551.5.3 currency, or £2,296.2.8½ sterling.

The dimensions previously given, as those intended for the building, do not agree with the declared statement which accompanies the present memorial. The dimensions there given, as may be seen by reference to a previous paragraph, were to be: length 130 feet, breadth 60 and height 34 from the basement. In the detailed statement these were stated to be respectively 135 feet, 73 feet and from the ground to the top of the cornice, 42 feet 6 inches, with a tower and spire of a total height from the ground of 152 feet, but the depth of the foundation walls to the ground is not stated. All the other dimensions, the parts of the building in which the different qualities of stone had been used &c., are minutely detailed, and the causes of the great additional expense to that first estimated is stated.

To the erection of this church was attached so much importance from an ecclesiastical point of view that no apology seems to be necessary for the length of the remarks on the subject, and the light in which it was to be regarded was one looked upon by the Anglican Bishop with great anxiety. In a letter from his Lordship, given in full in note C, the following considerations are submitted to the Lieutenant-Governor: "I would beg to suggest the necessity of determining whether the Church now building at Quebec shall be considered as really a Metropolitan or merely as a parochial church, if a Metropolitan church whether it can consistently be left without a Chapter? without a portion of that dignity which should constitute its appropriate character." And further on, as may be seen by reference to the letter reappears the assertion of the policy of uniting all Protestants with the Church of England, which the establishment of a Cathedral and Chapter, the Bishop believed, would do much to bring about. For the answer to this letter, forwarded by Milnes to the Colonial Secretary, reference may be made to Lord Hobart's letter of the 9th of January, 1804, printed in full in note C, page 22.

On the 14th of August, 1804, Sir Robert Milnes wrote (Q. 94 p. 231), that the church would be completed for consecration in the course of the month, and that the Bishop requested a vergier might be appointed to be paid £30 a year by Government, a request which was promptly acceded to. A return, only noted, in Q. 97, p. 50, shows the incomes of the Protestant clergy. The Rectors of Quebec and Three Rivers received a salary of £200 each without any extra allowance, the same for Montreal, with £80 from the parish, William Henry (Sorel) £100, with £50 from the Society for the Propagation of the Gospel, and the evening lecturer at Quebec £100. These salaries, especially that to the Rector of Quebec, were considered to be inadequate, and Sir Robert Milnes urged strongly that an increase should be granted, as the Roman Catholic Curates [curés, that is rectors] had twice, many of them four times the income of the Anglican clergy, who were most of them married men, whereas the former not being permitted to marry had no families to maintain.

For further correspondence on the general topic of ecclesiastical affairs in Lower Canada, reference may be made to the calendar, in which full abstracts are usually given of the letters on the subject, of the establishment of the Church of England as a National Church for Canada, which in subsequent years led to long and embittered controversies, ending in the secularisation of the Clergy Reserves, and the complete severance, by legislative enactment, of all connection between Church and State.

Reverting for a moment to the more local history of the Metropolitan Church in Quebec, the correspondence shows that the Commissioners in 1802 asked, what they believed to be in accordance with the ordinary practice upon the erection of new churches at the respective seats of Government in the several Provinces of America, for a gift by the King of Communion plate and altar cloth, with a Bible and Books of Common Prayer for the Governor, the Lieutenant-Governor, the members of the Privy Council and the officiating clergyman, hoping that the first Cathedral Church which had ever been erected in America would be gratified with marks of the royal favour and protection, hitherto bestowed on parish churches on their first establishment. Almost by return mail, a despatch from the Colonial Secretary of 5th October, 1802, (Q. 89, p. 102) informed the Lieutenant-Governor that the King had been graciously pleased to comply with the request, and that the Treasury had been desired to take the necessary steps to have His Majesty's wishes carried out. In January, 1803, the Lieutenant-Governor acknowledged the receipt of the despatch, and asked that a pulpit cloth might be added to the objects already specified, at the same time sending the dimensions of the various cloths asked for. In August, 1804, the gifts had not yet been received, and it was not till July, 1808, that a letter, covering the invoices, was written, stating that the packages containing the gift had been ordered to be sent to Portsmouth for shipment by the first ship of war sailing for Quebec. The invoice of Messrs. Rundell, Bridge & Rundell gives a complete description of the plate sent, but the date, not given in the invoices for the Prayer Books, &c., and for the altar and other cloths, gives an interesting view of the official delays of the period. In October, 1802, the order was given to have the gift prepared. Messrs. Rundell had their part of the order completed in February, 1803, not an undue delay, as will be seen by an examination of the description. In July, 1808, five years and five months after the completion of the work, orders were given to send the packages to Portsmouth for shipment. On the 18th September, 1809, Governor Craig wrote that the gift had not been received and feared some accident had occasioned the extraordinary delay. Precisely when the delivery was made

does not appear from the correspondence, but Mr. Barrow, Secretary to the Admiralty, wrote on the 18th December, 1809, to the Treasury, that Captain Heneker, of H. M. S. "Mermaid," had informed him that the plate for the Lord Bishop of Quebec had been delivered to him through the Governor-in-chief, when is not stated, but a reference to the log of the "Mermaid" among the Admiralty Papers in the Record Office shows that she had arrived at Quebec on the 2nd of November, 1809, the inference being that the gift was delivered a day or two after her arrival, fully seven years having elapsed from the date the order was given. The invoice of Messrs. Rundell, Bridge & Rundell is in these words:

"A rich chased service of Communion Plate for the Metropolitan Church at Quebec.

"A very superb octagon salver with chased device, in the centre in high relief, of the Lord's Supper, with Our Saviour & the twelve Apostles & the four Evangelists chased out in compartments on the border, with elegant fluted antique borders & ornaments with the Arms and Supporters of His Majesty and those of the See.

"A pair of superb Altar Candlesticks with rich chased devices & cherub in the corners, elegant large tripod feet with His Majesty's Arms, the Arms of the See & Glories chased out in compartments, chased devices of Rams' heads & winged Beasts' paws at the corners of the base.

"An elegant circular shaped Salver on chased foot, with Glory in centre chased fluted borders and kneeling Cherubims at the sides, with the Arms of His Majesty and those of the See.

"2 large elegant chased Flaggons for Wine, with antique vine leaf borders & Cherub handles, fluted ornaments of King's Arms, Glories &c.

"2 elegant antique Chalices with patters for covers, vine leaf ornaments, chased borders and Arms, Glories, &c.

"A wainscot case to contain the whole partitioned and lined with white leather, Iron clamps to do, Brass name plate, &c."

The altar cloths, &c., were on an equally liberal scale, being all of crimson velvet and gold and no expense seems to have been spared for the Bibles and Prayer Books, but no price is given in any of the invoices.

On the 6th of November, 1802, a petition was presented from "His Majesty's faithful subjects of the Congregation of the Church of Scotland in the City of Quebec," signed by the Rev. Alexander Spark, the minister, and by the members, to the number of 150, praying for a site for building a church and a grant of land for an endowment, the ground of the application being that they were "Members of and united to the National Church of Scotland," and the petition concludes with the hope that His Majesty might consider a small portion of these waste lands properly bestowed, when granted for the maintenance of a branch of a National Church acknowledged and protected by His Majesty. In supporting the prayer of the petition, the same line of policy, always held in view to make the Church of England the National Church of Canada again appears. Sir Robert Milnes says: "Permit me to add, that in my opinion the affording to the members of the Church of Scotland the means of erecting a separate Place of Worship, will be no obstacle to the gradual and general conformity to the established Church, of which I expressed a hope in a former dispatch, on the contrary it appears to me that a rejection of their application in this particular, might rather tend to strengthen their prejudices against a union so much to be desired." The memorial to the Lieut. Governor, asking that the petition might be forwarded to the King, was signed by a Committee, described as deputed by the Congregation of the Church of Scotland. A similar petition for a site on which to build a Church for the *Congregation de Notre Dame* was presented

by Mgr. Plessis. After some delay in consequence of difficulties arising from the choice of a site within the walls, both petitions were granted, the sites for both being on the land forming part of the Jesuit College grounds in the upper town of Quebec.

In the Report for 1891 are some remarks, with a report on the subject of the marriage laws of Upper Canada, in which there was only a brief reference to the correspondence, but the documents calendared in this volume give additional details of matters in Lower Canada, as viewed by the Anglican Bishop, and seem to call for some remark. In his letter of the 24th of October, 1804, the Lord Bishop of Quebec states, that to legalise certain marriages celebrated in Lower Canada by dissenting ministers and justices of the peace, two bills were introduced into the Council, one by himself to give effect to these marriages, the other by the Chief Justice for the relief of Protestant dissenters professing the religion of the Church of Scotland. Copies of the bills as originally introduced are appended to the letter from the Bishops (Q. 96, pp. 171 &c.). The bill, as it was finally assented to, is in the volume of the Statutes passed during the session of 1804, and may be compared with the two original bills introduced into the Legislative Council, which are in Q. 96, pp. 209 and 213 respectively. The preamble to the bill introduced by the Chief Justice sufficiently indicates its scope and object. It is in these words: "Whereas the Church of Scotland is by law the established Church of one of the three Kingdoms, the union whereof forms the Mother Country of this Province, and whereas it is reasonable.....that His Majesty's subjects resident in this Province and professing the religion of the said Church should have the full and free exercise and enjoyment of the same," &c. The bill proceeds to enact that all restrictions now imposed on the ministers of that church concerning the celebration of marriage and other ecclesiastical functions should be removed. A substantive bill was also introduced recognising the status of the Church of Scotland as an established Church in Canada, with all the rights which that implied. A reference to the Journals of Assembly for 1804 will show that the principle on which the bills of the Chief Justice were framed was adopted by the Assembly, but rejected by the Council, on the grounds stated in the letter from the Bishop: "Both these bills (that of the Bishop and that of the Chief Justice) passed the Legislative Council ... the former of these which was an enacting bill and which contained temporary provisions for the celebration of marriage in certain parts of the Province, where there are no resident Protestant Ministers, the Assembly, in opposition to the decision of the judges, endeavoured to transform into a declaratory Act, and mutilated it of everything but the clause that went to legalise past marriages. The last was purposely so changed as to make it impossible for the Legislative Council to adopt the amendments without virtually establishing the Church of Scotland in this Province.... By this proceeding the Ministers of the Church Scotland have been refused the privilege of solemnizing marriage, and many thousands of His Majesty's subjects in the new settlements are deprived of the means of entering into the marriage state, unless they travel a great, and to them almost an impracticable distance." Beyond legalising past marriages it will be seen by reference to the Act that no remedy was applied and that the restrictions on the celebration of marriages &c. continued to exist in full force.

The want of clergymen of the Church of England in Upper Canada engaged the attention of the Bishop of Lincoln, who used every exertion to obtain competent men to supply that want, but with very indifferent success in England. In Canada, the Bishop of Quebec had little hope of a supply, few of those born there,

he said, being so educated as to fit them for the office and still fewer of those who came to settle. Places of worship of the Church of England were few. A sum of £1,000 sterling was granted by Parliament in 1795 and 1796 for the building of churches in Upper Canada, these were to be erected at Newark (Niagara), York (Toronto), Cornwall and Sandwich.

The appropriations, stated in General Hunter's letter of 20th May, 1802, were for Sandwich £200, Niagara £100, York £300, New Johnstown £200, and Cornwall £200, an addition, as will be observed, of New Johnstown to the four previously mentioned. But up to that time only Sandwich had been in a position to draw the allowance of £200 and the £800 of a balance lapsed but was afterwards re-voted.

Bishop Strachan filled so important a place in Canadian politics that a notice of his first settlement in Upper Canada can scarcely be omitted. In a dispatch from General Hunter to Lord Hobart dated at Quebec, the 4th of August, 1803, he writes: "I have appointed the Reverend John Strachan, who was lately ordained here by the Lord Bishop of Quebec, to be the Resident Minister of the Church of England at Cornwall, in the Eastern District of Upper Canada, in the room of the Reverend James Sutherland Rudd, removed to a living in the Province of Lower Canada." (Q. 296, p. 251.)

In the report on Archives for 1890 (Note C) are copies of correspondence respecting the Fur Trade printed in full; this correspondence as that in reports of 1886 and 1889 may be read in connection with the present remarks. The correspondence in the report for 1890 was brought down to 1785, although in previous reports information was given of events subsequent to that period, after the original associated partners had separated into two companies, known respectively as the N. W. and the X. Y. Company, a separation which took place in 1798, both companies being hostile to the Hudson's Bay Company as well as to each other. This state of hostility and the unregulated competition which prevailed led to acts of violence, attended with consequences which were of a lamentable nature. The condition of affairs in the North-West became, in fact, almost intolerable, so that shortly after the formation of the two independent companies efforts were made to bring about a re-union or to give such advantages to those who were prepared to join as would throw obstacles in the way of the others. In January, 1802, Sir Alexander Mackenzie who was in London for the prosecution of this object, laid proposals before Lord Hobart, the Colonial Secretary, for the establishment of a permanent fishery and trade in furs, &c., in the interior and on the West Coast of North America. In forwarding what he called "Preliminaries," Sir Alexander anticipated difficulties in bringing about the coalition of the two companies at Montreal. Those who declined to enter into the proposed company he suggested should be at liberty to do as they pleased, provided he obtained the licenses for carrying on the trade. In this way, he believed he could secure those whose personal exertions were essential, "indeed infinitely more essential than the capital of the others, since the former can only be replaced by juniors successively growing up in the service, during a period of six to ten years, whereas the latter and any larger sum that may be found necessary can be raised at any time." (Q. 90, p. 37.) According to the preliminaries, it was proposed to form a supreme civil and military establishment on the island of Nootka, at King George's Sound, in latitude 50° north, with two subordinates, one in the River Columbia, latitude 46°, the other in Sea Otter Harbour,

latitude 55°. He proposed either a repeal of the Acts giving an exclusive right to the East India and South Sea Companies of fishery, trade and navigation in the Pacific Ocean and on the West Coast of North America, or failing that to obtain irrevocable and unlimited licenses from these companies, to carry on trade and fishing, and to establish factories and agents in Canton or elsewhere for the sale or barter of their imports or exports. Further, a clause provided for obtaining a license of traffic from the Hudson Bay Company, with a right to the latter to have a manifest presented and examination made at the first port of entry within the limits of its jurisdiction, but not at any other station or trading post. Reference has been made in the Report on Archives for 1889 and some account will be found in it of the establishment of trading posts on the Pacific for the prosecution of the fur trade with China, &c. (Report 1889, p. xxxiv.) The project of establishing a communication between the Atlantic and Pacific had long been a favourite idea with Sir Alexander Mackenzie, as shown in his account of his voyage to the Frozen Ocean and other publications and documents. It may not, therefore, be without interest to quote in full the fourth clause of the "Preliminaries," with the observations on that clause. He desires Government to constrain the Hudson's Bay Company:—

"To grant these licences to a company of British merchants, to be established in London under the name of "The Fishery and Fur Company," which company for the purpose of combining the Fishery, in the Pacific with the Fur trade of the Interior from the East to the West Coasts of the Continent of North America would at once equipping (equip) whalers in England, and by means of the establishments already made and in activity at Montreal on the East and advanced posts and Trading Houses in the Interior towards the West Coast to which they might extend it and where other establishments to be made at King George Sound, Nootka Island, under the protection of the Supreme Government and on the River Columbia and at Sea Otter Harbour under the protection of the subordinate Governments of these places, would open and establish a commercial communication through the Continent of North America between the Atlantic and Pacific Oceans to the incalculable advantage and furtherance both of the Pacific Fishery of America and American Fur Trade of Great Britain, in part directly and in part indirectly, through the channel of the possessions and factories of the East India Company in China, &c., it being perfectly understood that none of these maritime or inland establishments shall be made on territory in the possession of any other European nation, nor within the limits of the United States of North America or of the Hudson's Bay Company."

The observations on articles three and four need not be given in full; the principal parts may, however, be quoted. In reference to the demand for license for traffic, to be granted by the Hudson's Bay Company, the proposal states the reason:

"On the ground that the right of transit between the Mother Country and her Colonies, through her own proper Territory and Colonies, is an attribute of Sovereignty neither surrendered nor meant to have been surrendered to the Hudson Bay Company, according to its charter, the exercise of which is not desirable on any principle of Political Economy, while it is necessary and would be highly beneficial as being the shortest way to and from countries without its limits for the purpose of facilitating the intercourse between Great Britain and those Countries, in the Exchange of the manufactures of the former for the raw products of the latter."

In his observations on article 4, Sir Alexander says:

"There are at present two companies at Montreal, engaged in the North American Fur Trade, both of which are chiefly composed of men, who by personal exertions, no less hazardous than laborious and persevering, have contributed to the extension of it into formerly unknown parts; and who, if not the only men able to extend it to the Pacific are at least the most likely to succeed, as the best qualified to undertake it.

"These companies have not heretofore had an idea of embarking in the Pacific Fishery, but if they should succeed in combining the Fur Trade of the East with that of West, they would find it highly beneficial to combine the latter, if not both, with the Whale Fishery," &c.

Sir Alexander Mackenzie did not, however, succeed in forming his company.

On the 25th of October, 1802, he wrote to Mr. Sullivan, evidently smarting under a sense of disappointment that his exertions had been fruitless. The papers he sent would, he said, show that he had not succeeded, as also the improbability of his being able to succeed in bringing about the union of the two fur companies, recommended by Lord Hobart as the first step towards the accomplishment of his favourite project. "Without the aid of Government by giving the licences to one "of the contending Parties, with the condition that the other Party should have the "option of sharing, in the proportion of the Trade they might then be carrying on "to that part of His Majesty's Dominions, I see no means of bringing about a coalition for several years to come by which time the trade may be reduced, if not "ruined, and the opportunity of making the Western establishment lost perhaps for "ever."

In a letter addressed to Mr. Ryland, the Lieutenant-Governor's secretary, by Mr. Richardson (of Messrs. Forsyth, Richardson & Co.), dated the 21st of October, the relation of hostility between the two companies is clearly stated. The new company (popularly known as the X. Y. Company) was viewed, he says, by the old (the North West Company) with a jealousy and rancour improper in the subjects of the same Empire. He complains that among the means employed to give effect to these feelings, is the false and malicious impression they have made on the minds of the Indians, by which the lives of their associates, clerks and servants and the safety of their property were endangered. The Indians, he continues, had been incited to commit pillage and to fire upon the canoes of the new company; clerks were enticed away and then used to impose upon others; resistance to pillage led to fatal effects of which an instance is given and a continuance of such a state of affairs, he held, must lead to the most lamentable consequences. There is no desire expressed for a coalition of the two companies but, although not definitely stated, there is no reason to doubt, from the tone of the letter that the greatest repugnance was felt to the adoption of such a measure.

The dissensions between the two companies do not appear, in the beginning at least, to have had a prejudicial effect on the traffic, for on the 30th October, 1802, Milnes in a dispatch to Lord Hobart gives an account of the flourishing state of the fur trade, so far, he says, from diminishing it appears to increase, new tracts of country have been visited by the merchants employed in this traffic, which have furnished new sources of supply, a large proportion of the furs taken in the North West being brought to Quebec for shipment. The dispatch (No. 33) gives a large amount of information on the state of the fur trade under the French government and from the Conquest to the date on which it was written and may be referred to with advantage by any who are directing their attention to this subject (Q. 89, p. 144). The tables enclosed in the dispatch show, first, the names and numbers of the posts occupied in the Indian country (exclusive of the King's posts), the number of partners, clerks and men employed, the latitude and longitude of each post being also given. The grand total shows that there were 117 posts, 20 partners, 161 clerks and interpreters, 877 common men, in all of a permanent staff 1058 men, thus divided,

95 in the territory of the United States from the south side of Lake Superior to the division of the waters falling into the Mississippi on the one side and Hudson's Bay on the other; 76 on the waters falling into the St. Lawrence from the Kaministiquia, and also from the St. Maurice; 630 on the waters falling into Hudson's Bay, and 257 on the waters falling into the North Sea by the Mackenzie river. Besides these there were 80 or 100 Canadians and Iroquois hunters, not servants, ranging free over the country and about 540 men employed in canoes on the Ottawa river. The average duties paid annually on landing in Britain amounted to upwards of £22,000 sterling and the price paid for the furs exported from Quebec in 1801, at the London sales, was £371,139.11.4.

The despatch was received on the 29th November, and on the 15th of December the Colonial Secretary desired Lieutenant-Governor Milnes to give early consideration to the subject of establishing a chartered company, and to communicate his ideas fully thereon (Q. 89, p. 178.) In September, 1803, Sir Robert Milnes forwarded to Mr. Sullivan, Under Secretary, a statement by the North West Company, showing the great exertion the company had made to open up new means of communication. The letter is calendared at some length and the important part of the company's memorandum given in full, so that it is only necessary to refer to them (Q. 92, pp. 283 and 286.)

The table, of which an abstract has been given, shews that in the territory of the United States 95 permanent men were employed by the North West Company. In order to put a stop to this trade the Superintendent of Indian Affairs for Upper Louisiana issued a proclamation on the 25th of August, 1805, forbidding the entry of traders or others into the River Missouri, not being citizens of the United States of America, imposing the obligation on all British traders of abjuring their allegiance or to be excluded from the trade, and they were apprehensive that the same measure would be adopted to put a stop to the whole trade west of the Mississippi, which would ruin them. They complained still more that the proclamation was issued at the very time they had arrived at St. Louis, after having paid the duties at Michilimackinac, the frontier post, and that no warning of such restraint was given, the restriction being practically a confiscation of their goods. Even transit was virtually prohibited to the trading grounds, as the canoe men, engaged to transport the merchandise, would not be allowed to navigate the river, so that other men, citizens of the United States, must be employed at a ruinous cost. The proclamation they held to be a violation of the Treaty of amity, between Great Britain and the United States, and Mr. President Dunn in forwarding the complaint to Mr. Merry, the British Minister Plenipotentiary at Washington, took the same view of the step as being a violation of the third article of the Treaty of 1794, and particularly of the stipulations of the explanatory article of 4th May, 1796. These stipulations are well known, but the evidence of the two articles referred to as bearing on the complaints of the traders should be considered side by side with their argument for entire liberty of trade with the Indians. The words of the memorial from the traders are:

"That by said treaty" (of amity and commerce), "the trade with the Indians within the territory of Great Britain and the United States respectively is declared to be open and free to the subjects and citizens of their respective Governments, and no distinction whatever is made, because of the allegiance which such subjects and citizens owe and ought to bear to their particular Governments."

The third article of the treaty of 1794 (known as Jay's Treaty), provided that it should at all times be free to His Majesty's subjects, to the citizens of the United

States and to the Indians dwelling on either side of the boundary line, to pass and repass by land or inland navigation into the respective countries of the two nations (the Hudson's Bay territory being excepted) to navigate the lakes, &c., and "freely to carry on commerce with each other."

The treaty concluded by Pickering with the Indians in 1795, provided that no person should be permitted to reside as a trader at any of the towns or hunting camps of the tribes with whom the treaty was made, who is not furnished with a license for that purpose under the authority of the United States. This stipulation excited doubts whether in its operation it might not interfere with the execution of the third article of the treaty concluded a year previous, and to remove these doubts the explanatory article was added to that treaty. The article, after the formal introduction as to motive, &c., sets out that the Commissioners appointed to settle its terms "do by these presents explicitly agree and declare:

"That no stipulations in any treaty subsequently concluded by either of the contracting parties with any other state or nation, or with any Indian tribe, can be understood to derogate in any manner from the rights of free intercourse and commerce secured by the aforesaid third article of the Treaty of amity, commerce and navigation to the subjects of His Majesty and to the citizens of the United States and to the Indians dwelling on either side of the boundary line aforesaid, but that the said persons shall remain at full liberty freely to pass and repass by land or inland navigation, into the respective territories and countries of the contracting parties on either side of the said boundary line, and freely to carry on trade and commerce with each other, according to the stipulations of the said third article of the treaty of amity, commerce and navigation."

A comparison of the claims of the traders with the terms of the treaty will enable a judgment to be formed of the justice or otherwise of their representation. Mr. President Dunn transmitted the complaint to Mr. Merry, the Minister Plenipotentiary, but informed the Colonial Secretary, to whom he had sent a copy of this letter and of the memorial, that it did not appear that the Indian Superintendent (Wilkinson) was acting under the directions of the United States Government. On the 20th of February, 1806, the Lords of Trade addressed a note to Sir George Shee, Under Secretary, to know what representations had been made by the Lieutenant-Governor to the Secretary of State on the subject of the complaint by the traders, but so far as the documents calendared in this report extend, there is no record of the result of the representation made by the merchants. Mr. Inglis, a Canadian merchant in London, anticipated, however, that the Government of the United States would justify the procedure by alleging that the district in question was not their territory when the treaty was made.

The want of jurisdiction in the Indian Country, as the territory was called which was the scene of the operations of the fur traders, allowed crime to go unpunished, and numerous representations were made in respect to the evils of this practical immunity from punishment. In Sir Alexander Mackenzie's letter of the 25th of October, 1802, he says, in view of the improbability of the two companies amalgamating, that as speedily as possible, a jurisdiction should be established to prevent the contending fur companies from abusing the power either might possess, so as to secure to each the fruits of fair, honest and industrious exertion; it would also, he believed, tend to put a stop to the increasing animosity between the two companies. Mr. Richardson, of the other company, also pressed for the establishment of a competent jurisdiction and instanced the case of one of the clerks in his company who had killed a clerk of the other in defending the property in his care. The young

man had come to Montreal to be tried, but there being no jurisdiction there for such trial, "he remains in the deplorable predicament that neither his innocence nor his guilt can be legally ascertained." He also proposed that a military post should be established at Thunder Bay, on Lake Superior, as an additional means of securing peace.

The Grand Juries of Quebec and Montreal had repeatedly called attention to the want of jurisdiction; as they are all substantially to the same effect, it is sufficient to quote that made by the Grand Jury of Montreal in the Session of 1802. In this the number of people from the Canadas, chiefly from Lower Canada, was urged as one reason for establishing in the Indian Country a court of competent jurisdiction for the trial of offences committed in these territories, including Hudson's Bay. The presentment states, that in these territories "there does not exist a tribunal for the cognizance of crimes or criminal offences and consequently no accusations for offences of that nature committed therein, either by persons from the Canadas or otherwise; the offences (for the want of such a Tribunal) cannot be tried in the Territory where the facts were committed, nor are they cognizable in either of the Canadas, although immediately adjoining thereto, from the operation of the general principle of English jurisprudence that criminal offences which shall have happened beyond their limits, cannot be enquired into by any Tribunal within such limits; consequently in such cases no remedy appears to exist but such as is applicable under the special statute of the 33rd Henry 8th, chap. 4, by the issuing of a special commission in England by His Majesty, where alone the facts can be legally enquired into and decided upon by a competent Court and Jury." No jurisdiction, or one so distant as to be practically inaccessible, he held, had been a great incitement to crime, whilst on the other hand innocent men might be unjustly accused without any means of vindicating their character. These points are enlarged on and the conclusion arrived at that courts of competent jurisdiction for the trial of offences committed in the Indian Country should be established in the Canadas. (Q. 293, p. 239.)

Sir Robert Milnes in his letter of 30th October, 1802, (Q. 89, p. 144), strongly supported the representation of the Grand Jury, and added that

"Under such circumstances every species of offence is to be apprehended from Trespass to Murder and also that the national character of the English will be debased among the Indians, and that the numerous tribes of those people will in consequence thereof be more easily wrought upon by foreign emissaries employed by the Enemies of Great Britain." (See also Q. 89, p. 162.)

In consequence of these representations Lord Hobart in his despatch of 1st December, 1802, (No. 13, Q. 89, p. 170) promised that immediate steps should be taken to remedy the existing state of affairs, but Milnes became impatient for a decision as, writing in September, 1803, to the Under Secretary, he reminded him of the promise, the great increase and extent of the fur trade rendering such an Act daily more necessary. (Q. 92, p. 283.) The Act to give jurisdiction to the Courts of Upper and Lower Canada had, however, been assented to on the 11th of the preceding month (11th August, 1803, 43 George III., Cap. 138) and under it several cases were tried. The preamble stated that crimes and offences had been committed in the Indian territories, &c., and that from the want of jurisdiction in any of the Provinces "great crimes and offences have gone and may hereafter go unpunished and greatly increase," the enacting clause being the offences committed in these

territories, &c., "shall be tried in the same manner and subject to the same Punishment as if the same had been committed within the Provinces of Upper and Lower "Canada." In the course of a letter by Mr. Coltman forwarding his report on the disputes between the Hudson's Bay Company and the North-West Company, he attributes the disasters in the territories to the Hudson's Bay Company having held in abeyance its right to jurisdiction and that this neglect was the reason for passing the Act just quoted. (The whole of Mr. Coltman's report is in Q. 151, the report with correspondence filling entirely that volume.) Doubts having been raised as to the powers of the Courts under the Act 43 George III., a further Act to remove these was assented to in July, 1821. (1 and 2 George IV., Cap. 66.) The union of the North-West with the Hudson's Bay Company took place about this time and the disorders arising from their competition ceased, but these events belong to a later period than that now under consideration.

The transfer of the control of the Indian Department from the military to the civil authority caused a considerable amount of friction. In Upper Canada, according to a letter from H. W. Ryland, the Indian Department was, at that date (31st January, 1800, Q. 85, p. 328), entirely under the control and management of the Lieutenant-Governor, but in Lower Canada was entirely under the direction of the Commander-in-chief, so much so, that Major Deschambault had been dismissed from his office as Superintendent of Indian Affairs, because he had been appointed a Provincial aide-de-camp, although the two employments were perfectly compatible, and an officer in the Canadian Volunteers had been appointed, whose regimental duties conflicted with those in the Indian Department. This state of things was, however, changed shortly after, instructions having been sent in July that the civil governor was to take over the administration of Indian Affairs in Lower Canada as was the case in Upper Canada, and Sir Robert Milnes understood that this change was to make no alteration in the payments necessary in the administration of the department, that is, that these should be made from the military chest. General Hunter, commanding the forces, took an opposite view, holding that he as Commander-in-chief had nothing to do with Indian Affairs, the expenses of which were to be defrayed from the civil revenues. General Hunter at the same time refused to issue provisions and other articles required for the Indian service and stopped all barrack and other allowances heretofore drawn by the officers of that department. Milnes relied on the instructions sent to Prescott when the management was transferred to the civil administration in Upper Canada, but Hunter answered that these were addressed to Prescott as Governor-General of British North America and, therefore, did not apply to him. (Q. 85, p. 224.) Differences of opinion also arose as to the patronage in the department, the Duke of Kent having laid claim to the power of appointment, both in Lower and Upper Canada. On the 23rd February, 1801, Sir Robert Milnes in his dispatch to the Duke of Portland (No. 43, Q. 86-1, p. 132), stated that in room of Mr. Bunbury, he had appointed Lieut.-Colonel Deschambault, then deputy superintendent of the Abenaki and St. Francois Indians to be deputy agent for Indian Affairs in Lower Canada, Major de Salaberry to succeed Colonel Deschambault. The Duke of Kent as Commander-in-chief, held that the patronage was vested in him, but it so happened that the appointment he wished to make of Major de Salaberry was that which had actually been made by Milnes for the same officer, so that an immediate conflict of claims was avoided. But Sir

Robert points out at the same time the prejudice that might have arisen to Lieutenant Colonel Deschambault's interests, had the Duke's claim been established before another situation had been found for the incumbent of the office in question.

The Duke had a more pronounced dispute with General Hunter, respecting the appointment of Colonel Connolly to the office of Deputy Superintendent General of Indian Affairs for Upper and Lower Canada, from which he was superseded by General Hunter, as Governor. In 1799, the Duke of Kent had appointed Colonel Connolly, displacing Captain Claus, who had had long experience in the Indian Department. Governor Hunter, in reply in December to the notification of the appointment informed the Duke that the removal of Captain Claus and the appointment of Colonel Connolly would be highly prejudicial to His Majesty's service (Q. 287-1, p. 21), and at the same time wrote to the Duke of Portland, practically stating that he would not recognize Connolly and had sent his orders to Sir John Johnson to that effect. On these representations the Duke of York wrote to the Duke of Kent to cancel Connolly's appointment, which was accordingly done, much to the displeasure of the Duke of Kent, who still maintained his right to the patronage, but finally the claim was abandoned, the practice relied upon by the Duke, in the case of his predecessors in the office of Commander-in-chief having been changed when the control was taken from the military and vested in the civil authority.

The disputes of the Six Nations on the Grand River, respecting their lands were aggravated by the occasional ebullitions of Joseph Brant, who when under the influence of liquor does not appear to have been guarded in the tone of his language. One of these outbursts led to a formal complaint against him, but Claus was satisfied on investigation that the dispute had ended, and that the expressions complained of were made "when he was in liquor and in a passion, to a party opposed to him and his measures." (Q. 295, p. 26.) Much more serious were the claims of these tribes to dispose of their lands without control, and it was only yielding to their wishes and whilst adopting the official regulations that the lands must be transferred first to the Crown, which agreed to give titles to the purchasers from the Indians without reserve, that peace was maintained, but a notice was issued "that no cases which "have been or shall be granted or pretended to be granted, by or under the authority of any Indian Nation will be admitted or allowed of." (Q. 298, p. 41.)

The Grand River Indians being dissatisfied with the state of their affairs, the question was referred to a Committee of Council, which reported on the Indian lands sold by Mr. Russell, under the circumstances just stated. From this it appears that no trust had been properly created and no security given for the fulfilment of the obligations taken by the grantees, and it was recommended that suits should be entered against each of them to enforce the conditions contained in the grant. The letter and enclosures are voluminous and may be referred to (Q. 299, pp. 140 to 163.) In June, 1804, Captain John Norton (Teyoninhokarawen), furnished with introductions, proceeded first to Edinburgh to solicit the assistance of Lord Moira in advocating the claims of the Six Nations, but was by His Lordship sent to Lord Camden, as the proper authority to hear and consider the claims. Norton presented a memorial to Lord Camden accordingly, which after setting out their services and the forfeiture of their lands within the limits assigned to the United States by the treaty of 1783, continues: "In this situation Capt. Brant and other chiefs and warriors of the Six Nations "made application for a grant within the British Province of Upper Canada, and His "Excellency the late General Haldimand granted to them and their posterity the Grand

"River or Ouse from its source to its entry into Lake Erie, extending six miles on each side of the river and forming a space of land about a hundred miles in length by twelve in breadth." The memorial continues, that on the establishment of civil government when deeds were issued to the loyalists, Brant and other chiefs applied for the same, but the deed was so limited that they declined to accept it. Complaint is made that the lands transferred to Government with the express condition of being granted to the purchasers from the Indians were still retained and that the tribes are not allowed to lease their lands, a permission which would be a great benefit to the more industrious among them, and the request was made that they should be confirmed in possession of the land according to the original grant. An important clause of the memorial may be quoted in full:

"Were every tribe and family to have their several portions confirmed to them, there is not the smallest doubt, that the major part of the Six Nations, more than one-half of whom remain within the American line, would soon remove to their brethren, now in the British territory, which can be expected from the present unsettled and undecided nature of their grant, and possession."

The subject was referred to Hunter for a report, but the answer deals only with the lands sold by Russell, reference to which has already been made. (Q. 299, pp. 140 to 163.) Norton was advised to leave London and the matter would be attended to, but he declined on various grounds, the chief being that he was unwilling to return until some settlement had been made. He was thus enabled to present another memorial to the Privy Council in September, to which reference may be made (Q. 299, p. 329, see also letter to Lord Camden, p. 336). In May, 1805, Norton was still in London pressing the claims of the Six Nations, and had been advised to bring the case before Parliament, but eager as he was "to promote the good of my country," he did not wish his ignorant zeal to lead him into irregularities. (Q. 303, p. 95). By the end of May, Norton appears to have given up hope of an early settlement and proposed to return to Canada. In his letter stating this proposal, Norton enclosed an extract from a letter of D. W. Smith the Surveyor-General, which is rather vague, the grant he says, as well as he could recollect, was to be six miles on each side of the Grand River, "and to prevent too much intricacy by the windings of the river, a general course was agreed upon by the Indians at the old land board." (Q. 303, p. 104). On the 22nd of June following, Norton wrote again to Mr. Cooke, Under Secretary, stating that Lord Dorchester had expressed himself in these terms: "That should it be necessary for the satisfaction of the Five Nations that the terms of their grant from Sir Frederick Haldimand be enlarged, His Lordship would readily concur, but not to have them curtailed on any account whatever, that he saw no reason why the Five Nations on the Grand River should not have the same right to lease their lands and receive tenants thereon as the people of Caughnawaga and Lake of Two Mountains." In the meantime advices were received from Upper Canada, that the Indians had disavowed Norton's proceedings and had signed documents that they were satisfied. These declarations he alleged to have obtained by unfair means and entered into a long and elaborate statement on the subject, to which it appears to be only necessary to refer. (Q. 303, p. 125).

On the 14th of March, 1806, Chief Justice Alcock, in a letter to Sir George Shee, gives his opinion on the rights of the Indians over the lands on the Grand River, which sets out the case clearly from his point of view, and to which reference should be made, the Chief Justice having been Chairman of the Executive Council

by which the case was considered. His belief, which he briefly states, may be given in his own words. After stating that he had carefully examined all the documents to be found on the subject and had given it his most deliberate consideration, he says:—

"I have no difficulty in bringing my own mind to the conclusion, that these lands had been set apart by Government as Hunting Grounds for the Indians, with the fullest liberty also to cultivate and use any part of them at their pleasure and that the Government stood pledged not to grant these lands to any other persons or permit any act to be done by which the Indians could be disturbed in the quiet possession of this large tract of land, or suffer any of the white people (as the Indians call them) to break in upon them. At the same time I conceived no act had been done on the part of the Crown, which could be construed to invest the Indians with any power to lease those lands, much less to sell the inheritance."

He then gives an account of the causes which led to Government consenting to sell portions of the lands; that the price should be secured by mortgage, with interest at six per cent to be distributed annually among the Indians and the money arising from this interest was invested in the three per cent consols for their benefit, the first investment amounting to £9,244 5s. 11d. Reference may be made to the Minutes of Council of 13th August, 1806 (Q. 303, pp. 252, 255) which contain an account by Claus of the proceedings of a Council held by the Six Nations and report on the same by the Executive Council. An examination of the calendar of volumes Q. 309 and 310, will enable the inquirer at once to obtain the documents which give the information respecting the demands of the Indians, no settlement of which is shown in the papers now calendared.

The purchase of land belonging to the Missisauga Indians, between the township of Etobicoke and Burlington Bay incidentally throws light on the difficulties of communication in the Province in the early years of this century. The tract, it was estimated, contained about 70,000 acres, subsequently ascertained to contain upwards of 80,000 acres. The possession of this land was found necessary "not only for the making of roads, but during part of the year for having any communication between the seat of Government and the western parts of the Province." The sum agreed on for the purchase was £1,000 currency, but Mr. President Grant recommended it to be increased to £1,700 for the reasons stated in his letter (Q. 303, p. 35). The provisional agreement, Indian Councils, &c., are in the same volume, pp. 38 to 56. The recommendation to pay the additional £700 was approved of and carried into effect during Gore's administration.

The policy of attaching the seigniors to the British Government by civil appointments had been urged by successive Governors, and a certain portion of the members of the Executive Council was almost from the beginning of British rule allotted to the French Canadians. This is so well established a fact as to require only to be referred to. A few commissions had been granted in the army, but these were very few and the pecuniary circumstances of the seigniors were not such as to enable them to expend the amount necessary to purchase commissions and to make suitable allowance for their sons, the pay of a junior officer being by no means equal to keeping up the appearance deemed requisite whilst associating with his brother officers. A quotation from the letter of Sir Robert Milnes (Q. 89, p. 172) dated on the 30th October, 1802, and briefly summarized in the calendar, may not be without interest, as it gives a glimpse of the services of a family, one of whose members gained so brilliant a victory at Chateauguay over the United States troops during

the war of 1812. "At the earnest request of M. de Salaberry, who was major of the "1st Battalion of Royal Canadian Volunteers, I am induced to solicit your Lordship's "recommendation of his son Maurice de Salaberry in order that he may obtain an "Ensigny in any Established Regiment in the Service. The Father of this young "Gentleman is of one of the best Families in this Country, he served during the "American War" [the Revolutionary War] "and was wounded at St. John's; and "I cannot but think it might be of considerable advantage if the sons of the Canadian Gentry could be introduced into His Majesty's Regular Service. The elder "Brother of M. de Salaberry, through the Interest of His Royal Highness the Duke "of Kent, obtained a commission in the year 1794, and is now a Captain in one of "the Battalions of the 60th Regiment in the West Indies, where he has been ever "since, and the Gentleman whom I have the honour to recommend to Your Lordship was an Ensign (as well as his younger Brother) in the Canadian Volunteers, "but his Father is not in circumstances which enable him to purchase for him." The result of the application does not appear in the correspondence, so far as that is calendared.

The disadvantages arising from the want of a Court of Equity in Upper Canada were frequently and strongly represented. In July, 1801, Mr. Justice Allcock wrote to Mr. King, Under Secretary, that a bill for its establishment was in preparation, and in August following, General Hunter transmitted the draught of the bill, representing the urgent need that existed for such a court, and that it was necessary, at the same time to have a qualified judge appointed as Chancellor, it being requisite that he be possessed of the knowledge to fit him for instructing the Bar and officials in their duties, the knowledge of the law among the practitioners being very limited, not one of whom had been within the walls of a Court of Chancery. He recommended Allcock, who had applied for the office of Chief Justice, in succession to Osgoode. The draught of the bill is in Q. 290-1, p. 96a, and observations at p. 107, the letter at p. 88.

In December, 1801, Allcock again wrote to Mr. King, reminding him that he had been promised one of the Chief Justiceships, as one of the conditions on which he had come to Canada, and this was the situation he preferred, but if the emoluments of Chancellor were made equal to those of the Chief Justice and he had a seat in the Legislative Council, he would accept the office of Chancellor, although the other was "infinitely the preferable situation." (Q. 293, p. 128.)

Hunter's letter, draught and observations were referred to a Committee of the Privy Council, which reported, that the institution of an office of Judge of the Court of Chancery distinct from the Chancellor was so novel as not to be adopted without very serious consideration. The clauses objected to are apparently those numbered 2 and 3 in the draught act. The Governor of Upper Canada, it continued, is by virtue of his commission vested with authority to exercise an equity jurisdiction to the full extent pointed out in Lieut. Governor Hunter's letter and can call for the assistance of any of the judges or law officers of the Province to frame regulations and to establish a table of fees, the latter of which must, however, be submitted for His Majesty's approbation. On the 15th of September, 1804, General Hunter refers to the disapproval of the draught act, and points out that no answer has yet been received in respect to the table of fees prepared according to instructions to be laid before the King, and adds that the necessity which had existed for establishing an equitable jurisdiction had largely increased, and that Mr. Allcock, then in London,

would be able fully to explain the position of affairs. (Q. 299, p. 140.) On the 14th of March, 1806, Mr. Allcock, who was still in London, wrote to Sir George Shee, Under Secretary, on the subject, and the words of the letter may be quoted with advantage. These are:—

"During the whole of my residence in the Province from the year 1798, cases were continually occurring, in which justice was completely disappointed for want of a Court of Equity. But, Sir, it must be evident to every man, who thinks on the subject but for a moment, that in our English Colony, where the law of England has been declared by the Legislature to be the law of the land, the occasions must be very numerous, in which a Court of Common Law cannot administer substantial justice. It is now fourteen years since Upper Canada has been erected into a Province, and as yet there has been no Court of Equity in it. Whilst I sat in the Court of King's Bench there, many verdicts were obtained against defendants, contrary to the equity of the case, in which a court of law cannot afford any relief, particularly in ejectment causes. There were many of these cases, in which the decree of a court of equity must, as a matter quite of course, not only have relieved the party from the verdict, but have arranged many other points in question between the parties, and which because a court of law could not interfere, remain to this moment undecided, to the serious injury of one (of) the parties and of consequence in failure of justice. The complaints of the King's subjects in Upper Canada that they had not an equitable jurisdiction to resort to, have been very numerous indeed, of which the late General Hunter heard very much and I very much more, and I had held out so many assurances for years (being authorized so to do) that a Court of Equity would soon be established, that I feared my assurances at last ceased to be much attended to. The merchants of Lower Canada, having very considerable debts due them in Upper Canada upon mortgages, complained loudly and very frequently that there was no jurisdiction in which they could foreclose these mortgages, and I believe they have more than once made the most urgent applications to the King's Ministers in England praying that an equitable jurisdiction might be established."

After referring to the disapproval of the bill which he had draughted, he says it was settled that on his return to Upper Canada he was to have sat with the Lieutenant-Governor to aid him in the business of a Court of Equity. Mr. Harrison of the Temple, to whom the letter was referred, expressed surprise that such a Court had not been established when English laws were introduced, but now, owing to the delay, the Lieutenant-Governor should be directed immediately to establish such a Court, taking on himself the office of Chancellor, calling to his assistance the Chief Justice or any of the judges he might think proper. The selection of any particular officer as an executive judge would, he held, involve increased present expense and no future advantage but the reverse. In January, 1807, Mr. W. Dummer Powell sent a memorandum on the subject, to which reference may be made, his remarks and proposals being introductory to his application for the office of Judge in Chancery, as the only magistrate in the country bred in a Court of Equity, and who had been largely concerned in settling land cases. (Q. 310, p. 31). On the 5th of August, 1807, the report of the committee was considered by the King in Council and approved of, disapproving of the draught Act for establishing a Court of Chancery, the Governor being already vested with sufficient authority to exercise an equity jurisdiction, &c. (Q. 310, p. 235.) No further documents on this subject are among those calendared in this report.

Mr. Justice Cochrane was appointed a puisné judge in Upper Canada in July, 1803, but he did not occupy that position for any length of time, as by the foundering of a vessel on Lake Ontario, not the first instance on record of such a casualty,

he and other officials and the whole crew perished. According to the account given by General Hunter, Judge Cochrane, Mr. Gray, the Solicitor-General, another gentleman of the Bar, and other respectable persons, sailed in H. M. S. "Speedy" from York (Toronto) on the 7th October, 1804. The total number on board, passengers, officers and crew, was twenty. The object of the journey was to hold the assizes in the district of Newcastle about half way down the lake. Writing on the 12th of November, five weeks after the vessel sailed, General Hunter said they had never since been heard of. "It is now beyond a doubt that they must have perished on "Lake Ontario, but no person hath survived to give an account of the time or the "manner in which this melancholy accident took place." The sea-going qualities of His Majesty's ships on the lake at that time must have been, to judge from this and other accidents, of a very inferior description, and to justify the title given to the old ten-gun brigs, of being floating coffins. Nothing was heard more of the ship or her crew and passengers, and in the beginning of 1805 Mr. Darcy Boulton was appointed Solicitor-General in succession to Mr. Gray.

A reference to the calendar will serve to show that the condition of Upper Canada was improving, that roads were being opened up through the country, bridges built and markets established in Toronto. The statements of Mr. Justice Thorpe, therefore, these projects will show to have been greatly exaggerated, at least, as whatever may have been the deficiency in means of communication throughout the Province, efforts were made to improve them. In a country of such extent, so thinly peopled with a scattered population and limited resources, the utmost that could be done was to establish the main avenues of communication and in so far the evidence appears to show that these were not neglected. In 1804, it was felt that the time had come when the legislative business of the Province should be transacted in buildings more suitable than those used for that purpose. There was not, it was complained, a single building for any one public office; the offices were held in the private houses of the officers, the Executive Council met in a small room in the clerk's house where their discussions could be overheard, the buildings were of wood, unsafe for the preservation of records, and an annual rent was paid of £350. The two Houses of the Legislature met in the building used also for the Court of Appeal, Court of King's Bench, District Court and Quarter Sessions and for a church besides, the whole extent of the building containing only two rooms. Among the documents in series C, in the volume relating to the Civil Government of Upper Canada, is a letter from Edward Walsh, surgeon in the 49th regiment, containing an elevation, not unlike the building so long used, and ground plan, the cost of the building in wood and brick, it was estimated would be £1,000 sterling. In July of that year (1804) Lieut. General Hunter sent the estimate from Major-General Mann of the cost of the proposed buildings, towards which the Legislature had offered to contribute annually £400 sterling. The data upon which General Mann based his calculation was for a building of from 270 to 300 feet long and 36 to 40 feet broad; to be of plain, substantial and durable material, the walls of stone and the arches of brick, to be as far as possible guarded from accidents by fire; perfectly secure and dry vaults to be made for the offices requiring them for the deposit of public records; with rooms for the following services:—Legislative and Executive Councils, House of Assembly, Courts of King's Bench and Quarter Sessions, with proper offices to each; offices for the Secretary of the Province, Surveyor-General and auditor of patents for land. The

accommodation for the ordinary departmental offices, it will be observed, is not provided for. The cost at that date, as contrasted, not compared, with the new legislative and departmental buildings recently erected in Toronto at the sole cost of the Province, will give an idea of the progress that has been made during the period of little more than eighty years since the erection of the first public buildings.

The abrogation of the treaty of Amiens which secured a short peace, renewed the anxiety in Canada. War was declared by Great Britain with France and Spain and apprehension was felt, that hostilities were on the point of breaking out with the United States. The attempts of the French on Canada as shown to exist down to 1797, in the Report for 1891, scarcely seem to have been relaxed even when the treaty was in force in Europe. In 1801, before the short peace, Lieutenant-Governor Milnes, in a separate and secret letter to the Colonial Secretary, transmitted information received from a certain Colonel Graham, to which neither he nor Major-General Burton, commanding at Montreal, attached much importance. Milnes, however, obtained information after Graham had left Quebec, which he had visited to have a personal interview with Milnes, corroborating previous information received from him as to the real destination of the arms brought by Ira Allen of Vermont in the "Olive Branch," which had been seized and was under trial before the Admiralty Court. A deposition respecting the secret meetings held in Vermont to concert measures for the seizure of Quebec, Ira Allen being implicated in the scheme, is in Q. 87-1, p. 161. Graham's information is printed in full in the report for 1891, taken from the series C of the Archives, but there being no signature, the author's name was not known. The information is in two papers Nos. 28 and 29 of Note D in that report, pp. 83 and 84. On the 16th of September (1801) Milnes reported additional corroboration to the information furnished by Graham, that persons were plotting for the subversion of Canada. A society composed, to use the words of the Lieutenant-Governor, of "a parcel of Americans," had been formed in Montreal, proceeding on the principles of Jacobinism and Illuminism, having one Rogers as the leader, who, it was believed, was the only one acquainted with the real objects of the society, which had increased from five to sixty-one members. Six of these were arrested, and held for trial, but Rogers escaped. The Attorney-General (Sewell) to whom the matter was referred, made a long report on the subject, the text of which is in Q. 87-2 beginning at page 383. A few extracts may, however, be given here. The McLean, mentioned in the first extract, was executed for high treason on the 21st of July, 1797 (see report on Archives for 1891, p. xlii). The society spoken of by Milnes, "was formed of sundry individuals of desperate fortunes and among them "were many of the persons concerned in McLane's conspiracy, particularly Ira "Allen and Stephen Thorn, who were then lately arrived from France." An account is then given of Rogers, a schoolmaster from New England who had settled a short time before at Carillon, about 40 miles west of Montreal. The pretext on which he founded the society was to search for treasure, but the Attorney-General concludes from all the circumstances that the society was formed on the model of the propaganda established by the Jacobins of France in the countries of which they desired to obtain possession. Some of the depositions which accompany the report speak unhesitatingly and strongly of the complicity of Ira Allen in this conspiracy and that his object and that of the marauders whom he had collected in Vermont

was not so much the possession of Canada, as the opportunity an invasion presented for obtaining a large amount of plunder.

According to the letter of the Lieutenant-Governor of the 28th October, 1801, this was the main motive of the Vermont adventurers, and if his statement be borne out, that not a single Canadian name was found amongst the list of conspirators, the evidence of its wholly foreign character would be proved and the belief of Sir Robert Milnes that Ira Allen was an emissary of the French Jacobins be fully confirmed. The apparent inaction of the Magistrates of Montreal, coupled with the exaggerated reports of the extent of the conspiracy, caused the greatest alarm, police associations were formed of the respectable inhabitants, General Hunter deposited, at the request of Milnes, 600 stand of arms for the use of the militia, who had been reviewed by the Lieutenant-Governor in different parts of the Province to the number of 12,000 men. In the course of his tour he had the satisfaction of observing the loyalty of the Canadian militia, so that he ventured on his return to Quebec to issue an order for one-eighth of the militia in and about Montreal. The response was instant and hearty. Sir Robert says, and the words are worth quoting: "The Canadian militia have not only shown themselves willing to come forward in the numbers required, but have volunteered to increase that number to any amount whenever Government may require their assistance." The precautions taken and the preparations, which could not be concealed, to meet any attack were successful; in November Milnes wrote that the schemes in the Province had been "done away," and from all the accounts received from Lower Canada and Vermont, he was in hopes that no further schemes of that nature would at that time be formed. On the 31st of July, 1802, he published the proclamation of the restoration of Peace (the Treaty had been signed in the preceding March) and that he had ordered a day of thanksgiving for the blessings it conferred. It was evident, however, to the statesmen of Europe, that Bonaparte, who in August, 1802, had been elected Consul for life, had no intention of maintaining permanent peace, but aimed at universal conquest, and in May of 1803 the British Ambassador left Paris, a step followed by a declaration of war. Even whilst the peace subsisted, the French republicans were making efforts to obtain possession of Canada, for on the 1st of June, 1803, long before any steps consequent on the declaration of war could have been taken, emissaries from France were in the Provinces, bent on sapping the loyalty of the inhabitants. On the 5th of May, a week before the British Ambassador left Paris, six or eight men, holding commissions from the Republic of France, were reported to be at Chambly; these men had been officers with Humbert, in the intended attack on Ireland, and they seem to have made no concealment of their uniforms, which were green and gold. Several of them had gone to Montreal, taking names different from those by which they were known in Chambly, and they openly avowed their hostility to the British Government in Canada. A letter from Mr. Auldjo, then in London, dated the 15th of March, 1803, gives warning that Bonaparte is sending emissaries to Canada. Two are specially named, Mr. de Léry, a peer of French artillery, and M. Villtray or Villé, he is not sure which, a Canadian born, who was in Philadelphia and Upper Canada last summer, but was afraid to come on to Lower Canada. Mr. de Léry would come on pretext of seeing his friends. Further, Judge Panet sent extracts from a letter to his brother by M. Humbert, who had left Canada at the time of the conquest and was now settled in France, informing him that the French as earnestly desired to repossess Canada as

they did to obtain Louisiana. The Judge points out that by a sudden dash the French might succeed in taking possession of Canada, if favoured by the Canadian *habitants*, and that a strong military force was necessary to restrain the disaffected and to encourage the friends of Government. The extracts given by Mr. Justice Panet from these letters, are of importance as showing in a clear light the feelings of the French people and corroborating the information sent to the Provincial Government respecting the presence of French emissaries in the Province. I translate:

"I may tell you that I continue to preserve an attachment for the country in which you live, so great that I wish to see it return to the government of the French, regarding it as a colony essential to trade and as an outlet for merchandise and for men, it would constantly furnish the means of speculation which would improve the futures of the citizens whom war and revolution have reduced to wretchedness. I believe the well thinking in your colony would be glad to see again their former compatriots travelling on their Continent." *

This letter is not dated, but is believed to have been written a little before the peace.

The letter from which the next extract is taken was written on the 12th of January, 1803, and may also be given in full. Both show the motives, which, partly at least, actuated those who were urging the policy of regaining Canada, the opportunities for speculation being strongly accentuated in both letters as of immense consequence for the French.

"I had for a moment the hope that the First Consul would have redemanded this Colony at the time of the general treaty of peace, as he had flattered me he would do in a reply I received from him, when informing me that he had sent my memorial to the Minister of Marine, to make use of on that occasion. I have observed with pain that the definitive treaty took place without reference to this question. There were, however, many reasons for not losing sight of so important an object, especially having treated with Spain for the Mississippi, which has returned to France. What a difference it would make as an outlet for the products of France, and for giving the means of speculation to an infinite number of Frenchmen, who have no resources in their own country.†

These extracts will serve to show that the precautions in Canada were not taken without sufficient reason and that the reports of emissaries being in the Provinces were not mere idle gossip, originating in the heated brains of terrified visionaries.

A new militia bill was passed during the session of the Legislature of 1803, to take the place of Lord Dorchester's Act of 1796, which had been carried with difficulty through the two Houses and had ever since that time remained a dead letter. But Milnes in a letter dated 10th June, 1803, expressed his apprehensions that the provisions of the Act of 1803 would require great caution and management to carry them into execution, owing to the weak state, in point of numbers, of the regular

* "Je vous dirai que je conserve toujours un attachement pour 'le pays' que vous habitez, au point que je voudrais le voir rentrer au pouvoir des François, le regardant comme une Colonie très-essentielle pour le commerce et comme un débouché de marchandises et d'hommes, qui auraient sans cesse des moyens de spéculations qui amélioreroient les futures des citoyens que la guerre et la révolution ont réduit à la misère. Je pense que les hommes qui pensent bien dans votre Colonie seroient fort aises de revoir leurs anciens compatriotes voyager dans leur Continent."

† "J'ai eu un moment l'espérance, que le 1er Consul auroit redemandé cette Colonie lors du Traité général de la paix, comme il m'en avoit flatté par une réponse que j'avois reçue de lui, en m'annonçant qu'il auroit envoyé au Ministre de la Marine mon mémoire pour en faire usage dans l'occasion. J'ai vu avec peine que le traité définitif a eu lieu sans qu'il en ait été question. Il y avait pourtant bien des raisons pour ne pas perdre de vue un objet aussi important, surtout ayant traité avec l'Espagne du Mississippi qui est rentré à la France. Quelle différence pour un débouché des denrées de France, et pour donner des moyens de spéculation à un nombre infini de François, qui n'ont point de ressources dans leur propre pays."

military force stationed in the Province. He believed, however, that the new Act afforded better means for a closer connection between the masses of the people and the executive authority, and would continue to review the militia, seeing the good effect that had already produced. He had also encouraged the formation of Volunteer companies, three of which were already embodied at Montreal, clothed at their own expense. Three more were about to offer at Quebec and one at Three Rivers, so that he had great hopes that the backwardness to serve in the militia would be gradually got the better of. He suggests that at a subsequent period additional pecuniary help should be afforded by the Imperial Government towards the objects in view, that is, strengthening the defences of the Province, but in the meantime the issue of arms from the King's stores would be sufficient. A fortnight later (24th June, 1803) in a letter to Lord Hobart, (Q. 92, p. 16), marked "Secret," Sir Robert enters into greater detail of the state of affairs. The last communication he had received at that date was a circular and proceedings in Parliament in March, but the indications these documents afforded, pointed so strongly to a renewal of the war with France, that he considered it necessary to take preparatory measures to meet such a contingency. He proposed to revive the Alien Act, in view of the belief, apparently well founded, that spies had been introduced into the Province. He also proposed to suspend taking any material steps towards carrying the Militia Act into force, "As in case of a war with France, it will not be the moment 'to attempt any new measures' especially, as he repeats, with the small military force in the Province. Only two regiments, the Sixth and Forty-first, with a corps of Artillery were then stationed there, not exceeding 1,000 men in all, the garrison of Quebec consisting of the 41st with about 400 rank and file and about 190 of the Artillery. Although the Canadians were much more reconciled to the British Government than at any former period, and in event of a war with the United States would of themselves turn out, yet against the French it might be different, and the conduct of the lower orders depended greatly on the preponderance of a military force, to prevent them from joining the enemy at whose mercy they might believe themselves to be placed. He then discusses the probability of a dash being made by the French Navy up the St. Lawrence to capture the military stores at Quebec, which amounted in value to a million sterling, and such an attempt, seeing the temper of the present rulers of France, was one that might reasonably be apprehended. In the meantime a strict watch was kept on all suspicious strangers, and the consul general at New York communicated such information as reached him. Mr. Richardson, a magistrate of Montreal, was appointed secret agent, and seems to have conducted his operations with zeal and judgment. Among the agents employed by Mr. Richardson was a man named Rous, who had been notorious for assisting British soldiers, when deserting, but was not unwilling to accept service, for a consideration, under the British authorities. Mr. Barclay wrote on the 2nd of December, 1803, that Jerome Bonaparte, brother to the First Consul, Napoleon, had returned to New York on the 26th November, ostensibly for the southward, but intending, it was stated, to go to Albany, after spending a few days privately in New Jersey, and from Albany to communicate with the French in Lower Canada, and that it was probable he would go to the American line, near Lake Champlain, where a Frenchman named Rous lived, the same just mentioned, with whom McLean, who was executed, was particularly intimate. A close examination was made all along the frontier on Lake Champlain, and at Albany, but neither Jerome nor his companion had yet arrived, although expected at

Albany during the winter. (The description of both is given in full at page 215 of this report). In February, Milnes wrote that no positive intelligence had then been obtained that the French Government had actually been tampering with disaffected persons in Canada. The prosecution of the project to attack Canada, depending on the success of the French arms in Europe, and its abandonment for the present, seems to require a glance at the state of maritime affairs in France, the reason given by Pichon, chargé d'affaires at Washington, for the present abandonment of the attempt being that Great Britain was too powerful yet at sea. Early in 1803, even before the declaration of war, the most active measures were taken by the French and British to increase the efficiency of their respective navies. On the part of the former, Napoleon had ordered the port of Flushing to be ready to receive and equip a squadron of ten 74-gun ships, which were ordered to be immediately laid down in various French dockyards. Gunboats and flat-bottomed vessels were to be built along the Scheldt, the Weser and the Elbe; in Brest there were 21 serviceable line-of-battle ships; three ships were nearly ready in the port of L'Orient and two more were ordered. Similar activity was shown at all other French ports. The result of this was that France had soon a force of 66 ships, 47 actually afloat and the others in a state of forwardness for action. Napoleon had not anticipated that the outbreak of hostilities would take place before September, but, as already stated war was declared in May and most active measures taken to carry it on. On the 17th of that month, Cornwallis sailed with a formidable fleet to blockade Brest, and other fleets were stationed at different points to watch the motions of the enemy. It is unnecessary to follow the course of events in 1803, the actions during the year not being of prime importance, the engagements being chiefly those taking place between detached cruisers, and not involving the fleets. It was during the year 1804, that Napoleon became emperor and that the invasion of the British isles was to be made, a project which was rendered abortive by the constant vigilance of the British naval commanders, and the observation of Napoleon himself of the disparity between the efficiency of the navies of the two nations sufficiently accounts for Pichon's statement to Rous, that Britain was too powerful yet at sea to admit of Canada being attacked. In the meantime every precaution was taken there to guard against any hostile designs that might be entertained and to watch carefully that no French spies should gain access to the Provinces without detection, and for this and other purposes Mr. Richardson secured the services of apparently two ex-spies of the French, certainly of one, Rous or Rouse, for the name is given in both forms, the name of the other is not stated, he being only mentioned as No. 2. So far as can be judged from the reports made by Mr. Richardson, Rous was the most efficient, as he obtained information from Genet, who had been French Minister at Washington, as well as Pichon, the chargé d'affaires, and no suspicion seems to have been entertained of the correctness of his information, the barbarities committed by the French soldiers at St. Domingo having, he stated, cured him of his wish to see the French in Canada. The person known as No. 2, reported that Fouquet who had been using incendiary language whilst passing and repassing by L'Acadie (a settlement near Napierville on the Richelieu), was in reality an emissary sent in by the French consul at Boston, and that it was he who had spread the report that the United States, having got Louisiana, where desirous to extend their boundaries to the St. Lawrence, in which they would be assisted by France. The policy of Jefferson, then President of the United States, is thus described by Mr. Richardson, a description corroborated by what may be found in Jefferson's correspondence of that date: "The present conduct of Jefferson in several instances is far from friendly, but he is too great a

"coward to risk an actual breach with Great Britain, unless the latter were to experience serious injury from Bonaparte's invasion."

Rous (No. 3) also believed Fouquet to be a French agent, but had no belief in the invasion of Canada during that year. It was remarked as a coincidence which strengthened this belief, that Fouquet was about the frontiers at the time Jerome Bonaparte was expected. Of the propriety of making use of the tools whose employment he felt himself obliged to sanction, Milnes appeared to entertain some doubt, as he wrote what may be regarded as an apology beforehand for the course he was taking in this respect. "Considering," he says, "the smallness of the military force stationed in this Province, it appears to me of great consequence to secure such channels of information as may serve to detect and frustrate the more secret attempts of the enemy." (Q. 94, p. 24.)

In September, 1804, Mr. Merry, the British Minister to the United States, warned Milnes that a plot was in progress in both Provinces, the information being received from one Mathew Wing, a Canadian then settled in Saratoga County, New York. According to this informant, cattle and horses were being sent into the United States in large numbers, the proceeds of the sales of these to be used for the purchase of arms in Springfield, New England. The arms were to be prepared during the winter and conveyed to Lower Canada on rafts; part of the design was to seize the Governor, or Commander-in-chief when he should be on his route between Quebec and York in Upper Canada. General Hunter was at that time Lieutenant-Governor of Upper Canada and Commander of the forces in both Provinces. Wing also stated that one of the principal promoters of the intended insurrection (whose name he would not disclose) had furnished Jerome Bonaparte with all the information necessary for forming the plan of attack and had concerted with him to have a large ship loaded with arms at the expense of France, to sail under British colours, to be manned by Irishmen, to leave early in spring and to land the arms at Wolfe's Cove. From the tone of Mr. Merry's letter, it seems clear that he did not place too great reliance on Wing's statement, but sent it for what it was worth. Milnes in sending a copy of Mr. Merry's letter to the Colonial Secretary, stated that from the intelligence he had received from Rouse, employed as already mentioned in obtaining secret intelligence, he was satisfied there was not the smallest ground for believing Wing's statements, but he assured Mr. Merry that he would take steps still further to ascertain their truth. The account given by the Lieutenant-Governor to Mr. Merry of the feelings of the population in Canada at that critical time was reassuring. "I must," he says, "in justice to the Canadians observe, that the state of the country has never been more tranquil, and the deportment of the people throughout the Province more apparently loyal than it is at the present moment, and the knowledge I have of the character of the Canadians, who are naturally a very quiet people and much attached to their homes, leads me firmly to believe that they never would be induced to dispose of their cattle and horses for the purposes mentioned by Wing." The latter hypothesis was fully confirmed by the returns of the export of horses; with respect to cattle he never heard of any being exported to the United States from Canada. It was inevitable at a time of doubt and uncertainty as to the course that might be adopted, that such reports as that of Wing should be spread by people anxious to obtain money for furnishing information of plots which if they did not exist must be invented to secure a reward. That this was the fact in the case of Wing, admits of little doubt. Mr. Merry received

information concerning the alleged sales of horses and cattle which corroborated the statements of Milnes, although such corroboration was not necessary, and added the further contradiction to Wing's story of the extensive purchase of arms at Springfield, that no such purchases had been made, nor even any inquiry as to the possibility of obtaining them.

That the cause of the abandonment of the attempt on Canada was due to the naval superiority of Great Britain may be safely conjectured from the information brought by Rouse, sent specially to Washington to ascertain the French designs. That Rouse, in his capacity of spy, did his work well seems to be proved by the confirmation which events gave to his reports. Rouse, according to his statement to Mr. Richardson, obtained access to, and gained the confidence of the French Minister at Washington, from whom he learned that the French had no immediate designs against Canada and certainly none for that year (1805.) They had designs for obtaining possession of the Province, but when these would be carried into execution depended on the events of the war [in Europe.] The Minister's words, as reported by Rouse in respect to the fleet, were very emphatic: "They never will risk a fleet in the St. Lawrence further than to land troops, and then go to sea immediately after. The great efforts of the French squadron which may go to sea this year will be in the West Indies." In certain contingencies the squadron was to attack Jamaica, failing that to harass the other islands and to make an effort against the negroes of St. Domingo. In any case, the Canadians were to keep absolutely quiet, as in event of a serious movement word would be sent in sufficient season. Emessaries would not be sent into the country at present; many who went in before were adventurers who had done more harm than good. Cazeau, the new consul at Portsmouth, New Hampshire, would have charge of any expedition that might be intended against Canada; that the French general would consult with Cazeau as to the measures that might be adopted for an invasion, and the Minister gave Rouse Cazeau's address, to serve as an introduction, by which he could obtain all information regarding French designs. Mr. Richardson was inclined to believe in the correctness of Rouse's reports, and apparently with justice.

Pitt, who had assumed the reins of power, having effected treaties of alliance with Austria, Russia and Sweden, the only great power which combined with France was Spain, which declared war against Great Britain, of which Milnes was informed by a letter from the Colonial Secretary, dated on the 11th of January, 1805, received on the 19th May following, a proclamation announcing the declaration of war was ordered on the 22nd of May to be published in the official *Gazette*, and means were at the same time agreed upon between the Lieutenant-Governor and the General in command of the forces for the defence of the Province in case of invasion or of an internal rising, of which no great apprehension appears to have been felt.

From the beginning of the war comparatively large amounts were contributed by Canadians of all creeds and classes towards the funds necessary for its prosecution. Among the names in the first subscription list are those of the leading English-speaking merchants, who gave liberally, the French-speaking inhabitants being also worthily represented. The religious institutions and the clergy joined heartily in the movement, the Seminary of St. Sulpice giving £500 as a gift and engaging to contribute £300 annually during the war, the largest single contribution, the annual subscriptions of the others ranging from £5 up to £25. (Q. 85, pp. 321 to 324, the list beginning at the latter.) Some time after, Sir Robert Milnes forwarded the fol-

lowing letter from Lieutenant-Colonel de Longueuil, with bill of exchange for the amount mentioned. The letter, addressed to Sir Robert Shore Milnes, Lieut.-Governor, &c., is in these terms:—

"SIR,—I have the honour to enclose a Bill of Exchange on the Pay Master General for Five hundred Pounds sterling, with my humble request that Your Excellency will be pleased to transmit the same to His Majesty's Treasury, as a contribution from the officers and privates of the 1st Batt. of Royal Canadian Volunteers, towards the support of the present war. I am very respectfully, &c."

The victories at sea over the French navy had the effect of securing peace for some time, and during that period no great alacrity appears to have been shown in volunteering for military service, the danger seemed so far off and the probability of its near approach very slight. But as soon as the indications were that the United States had some intention to enter the field, the martial spirit that was latent became aroused, and Colonel Isaac Brock, who was then in command of the forces, expressed no doubt of being able to raise an efficient force in both Provinces, to whom arms might safely be entrusted. In view of the unfriendly acts of the United States Government, Brock believed that the result of the discussion then in progress would settle the question of peace or war. War was at least possible and the weakness of the Provinces for defence was notorious. In Lower Canada the whole number of militia then armed and "anyway instructed," did not exceed 300 men; as many thousands, he conceived, could be easily selected and formed into corps. The fortifications at Quebec, too, were so decayed as to be unable to stand an enemy's fire. He, therefore, called on the civil government to assist in remedying this defect, which would require the work of 600 to 1,000 men daily for from six weeks to two months, besides a vast number of carts, etc., the garrison being altogether inadequate to attempt such work. The reports of the officers of Engineers show that throughout both Provinces the same ruinous state of the fortifications existed. Should war with the United States take place, Brock believed that no serious attempt would be made before May, but unless the works were finished by October, they must be discontinued and not resumed till May, when it would be too late to complete them for defence. Should the work be done by October, there would be time to arm and form the inhabitants into some kind of order. On the 25th of July, Brock's letter (dated the 17th) was reported on at once by Council, and the determination arrived at, it appears best to give *in extenso* :—

"That in the absence of all information from either His Majesty's Ministers of State, or from His Majesty's Minister Plenipotentiary resident in America, or from any source other than the affair between the "Leopard" and "Chesapeake," and the Proclamation of the President of the United States, the Board feels itself totally incompetent to form any well-founded opinion on the probable events to result from the recent occurrences stated in Colonel Brock's said letter, consequently the committee is obliged to leave the question upon the probability or improbability of a war breaking out between the two countries, to be judged of when future official communications or the acts of either of the Powers shall furnish the means of forming a judgment thereon.

"If the Executive Government should by any means become possessed of information, or of any Facts or circumstances which should induce an inclination of opinion that Hostilities were likely to commence between the two Powers, the Committee doubts not in such case Your Honour would feel yourself called upon and would show yourself most cheerfully disposed to co-operate with all the Energy the Executive Government possesses with Colonel Brock in attaining all the objects he has or may have in view. In the meantime the Committee begs leave to observe that Colonel Brock must be fully aware of the means he possesses in his situation

as Commanding the Troops, or calling in aid to the Garrison by hiring labourers and workmen, if in his Judgment the Exigencies of the present Case require it, without any concurrence on the part of the Civil Government, to this might also be added that Voluntary assistance which Colonel Brock suggests would be cheerfully given."

A reference to Dunn's letter to Castlereagh will throw some additional light on the course of the Council. (Q. 104, p. 140.)

The affair between the "Leopard" and the "Chesapeake" has been so fully discussed from both sides, that there is no need to speak of it here except to remark that before any representations had reached the British Government from the Government of the United States the act was formally disavowed by the former and reparation offered, an act not met with the return on the part of the United States which it ought to have received. Vice-Admiral Berkeley who had issued the order to search the "Chesapeake," was recalled, and every indication of friendship manifested.

Whether on account of the resolution of the Council, or for other reasons, Brock declined to accept the responsibility of commanding the troops in Upper Canada, a position assumed by Francis Gore, the Lieutenant-Governor, although he held no military rank. The position of Gore, as it appeared to him from the most recent information that had reached him, was most critical. Vice-Admiral Berkeley wrote him that war with the United States was inevitable. A categorical demand had been made for the renunciation of the right of search, which if refused was to be considered a declaration of war; the Vice-Admiral believed it to be impossible that the British Government could accede to such a demand. "The return of Mr. Munroe" (Monroe) he says, "or the messenger from England will probably be the signal for war," and added that if Canada should be taken there was a secret agreement that it was to be transferred to the French, or erected into a separate kingdom to be governed by a Frenchman.

Upper Canada was in a still more defenceless condition than Lower Canada, but Gore had, even before the receipt of Berkeley's letter been taking measures for defence. He had ordered provisions for the Indians to be thrown into Amherstburg and St. Joseph's, and called a general council of the Western Nations to meet at Amherstburg. By the time it met he presumed the question of peace or war would have been settled. But there was a deficiency of arms for the militia. Brock had sent only 4,000 stand from Quebec, so that it was decided not to call out any of the force, and of regular troops there was only 400 men, being the 41st Regiment and a small detachment of Artillery to guard an immense territory accessible at all points, an imaginary line being the frontier between Canada and the United States.

It was under these circumstances, as stated elsewhere, that Sir J. H. Craig was selected to fulfil the actual, instead of the nominal, offices held by Prescott, of Governor and Commander-in-chief of the Provinces. Before sailing he communicated his views on the defences, in a note, in which he expressed doubts whether an effectual resistance could be made to an attack at any other point than Quebec; even there Lord Castlereagh was doubtful if a prolonged resistance were advisable. He approves, so far as can be judged, of the formation of independent companies of Canadians, officered by gentlemen of the country, as preferable to more numerous corps, though their efficiency could only be tested by experience; asks to what extent he is to take measures to complete the defences of Quebec; desires to have two armed vessels, as necessary for the service of the river and requests that authority may be given him

to direct the Lieutenant-Governor of Upper Canada in the general policy with regard to the United States and as to all movements of militia and volunteers in that Province, and generally to every object connected with a state of hostility, so that the general force should be under one uniform system. (Q. 104 p. 153.) A second note, undated, calls attention to the necessity that may arise for the transference of the control of Indian affairs from the Lieutenant-Governor of Upper Canada to the Commander-in-chief; the note concluding with these words: "In event of hostilities with America, the line to be observed with regard to the Indians will become an object of the most important consideration; they must be restrained or encouraged to action as may be judged most expedient at the moment or as the conduct of the Americans themselves may render necessary. Of (as?) this, as every other part of the war will fall under his responsibility, he is desirous of being the judge; he cannot feel satisfied, while liable to be led by engagements entered into by others without his concurrence."

Sir J. H. Craig arrived in Quebec on the 18th of October, but from illness did not take the oaths of office till the 24th. A muster, which, to use his own expression, they call a review of the militia was held and he was told that, except in a few cases, the disposition was commendable, but on that head he could express no opinion of his own. No return of the actual number present was made, but it was estimated that with the 5th Battalion, ordered to hold itself in readiness, there would be a total of 37,000 militia. Military stores were, however, entirely insufficient. Of small arms only 7,000 were in store, Upper Canada had lately received 4,000 or 5,000 and demanded more which could not be spared; an additional supply of 7,000 was wanted. There were no accoutrements; without them no selected body of militia can serve effectually or will serve otherwise than with disgust and dissatisfaction. About 10,000 are wanted in Upper Canada, which is in the same condition as the Lower Province. Of flints the supply even for the regulars was insufficient, not to speak of the militia; of these 250,000 were wanted, as also a supply of blankets. (Q. 106 p. 5.) The letter shows clearly how unprepared Canada was at this time for defensive, far less for offensive operations.

The opinion of Mr. Joseph Bouchette, the Surveyor-General of Lower Canada on this point is, however, entitled to great weight, as he not only knew thoroughly the topography of the country, but was intimately acquainted with the feelings and sentiments of the population of Lower Canada. Writing to Mr. Cooke, the Under Secretary for the Colonies, he calls attention to the proposal to place General Moreau, at the head of 6,000 men, for the purpose of attacking Canada, in event of war with the United States, and expressed his belief that no one was better calculated than Moreau to lead such a force, but he proceeds, and the result of the war of 1812 showed how correct were his prognostications: "I conceive he can have but a very little chance of succeeding, as a much greater force will be required to ensure the Americans any degree of success whatsoever. If they talked of fifteen or twenty thousand men, divided as follows, I should feel more alarm, that is to say, six or seven thousand men headed by General Moreau to proceed to Montreal, an equal force to go up the Kennebec River and down by the River Chaudiere to take post before Quebec, erecting batteries opposite to the town at Point Levy, and three or four thousand to go down by the River St. Francis, with an intention of forming a junction with Moreau's army at Three Rivers in case of his success in taking Montreal." But even with this formidable

demonstration, he does not believe in the successful result of such an enterprise, but the contrary, should proper steps be taken. "By augmenting the military force in the two Canadas to ten thousand strong, if no more can be spared, added to about twenty or twenty-five thousand active militia in Lower Canada, and about twelve or fourteen thousand in Upper Canada, besides Indians, the Americans would find it a very difficult task to take either of the Provinces, but more especially Lower Canada. With respect to Upper Canada, they have more in their power and less militia to oppose them, and also the advantage of turnpike roads leading to the different garrisons which they at present occupy on the frontier, a circumstance highly in their favour. Nevertheless, I am convinced that by a judicious distribution of the troops and militia of that Province and augmenting the naval force on the lakes, added to the state and commanding position of Fort George, situated on the west side of Niagara River, a most powerful resistance can be made, and I trust that time will show that Canada is not so easy a prey to the Americans as they consider it to be." (Q. 106, p. 507.)

Even before the arrival of Craig, preparations were actively carried on in anticipation of hostilities. The muster, or review, of the militia reported on by Craig, had been ordered by Dunn; Gore who had taken charge of the forces in Upper Canada, thought it his duty to pay a visit to Montreal, to meet and consult with Brock as to the arrangements necessary for the protection of Upper Canada. Colonel Brock told Sir Francis Gore "unceremoniously" that the responsibility lay with him (Gore). No account is given of the subsequent conference, but it seems not improbable that it was as a result of this that the preparatory steps already referred to were taken. Gore also reported that it was impossible to say what the "sovereign People" in the United States would do. Emmett was very busy and had some warm friends in the Province. The threatened war, however, did not take place then, nor till the date of Madison's administration in 1812.

The description given by Brock of the ruinous state of the fortifications was by no means exaggerated. In 1805, Lord Chatham (the second Earl, who was Master General of the Ordnance from 1801 to 1806), sent a confidential letter to Lord Camden on the defences of Quebec, but those desirous of studying the subject should refer to the letter itself with its enclosures in Q. 99, pp. 206 to 225a. It was in reference to the works on these defences that the correspondence between Brock, Dunn and the Executive Council took place, which has already been mentioned.

Fort Erie, in the then state of transit was regarded as an important point for defence, being at the head of the communication between Lakes Ontario and Erie and essential as a temporary depot of all the provisions, stores and merchandises which passed up and down these lakes. Colonel Mann reported that the fort was completely in ruins, and that temporary repairs could no longer be resorted to. These had kept a part of the building from falling entirely to pieces, but what time and decay had failed to accomplish had been completed by a storm on the 6th of January preceding, and the whole was now in ruins, except one stone building constructed in 1797. Colonel Mann estimated that the fortifications and buildings would cost £9,649 3s. 0d. Colonel Mann's report, with a plan, is in Q. 296, following Hunter's letter at p. 257. The approval of the report was communicated by the Colonial Secretary on the 9th January, 1804, and the work ordered to proceed.

The fortifications in Lower Canada were in an equally bad condition, but it may be sufficient to refer to Major-General (formerly Colonel) Mann's reports, with the

accompanying plans. For St John's, on the Chambly, and Montreal see Q. 299, pp. 72, &c., plans at 81a and 81b, for Quebec pp. 82 to 105. For reserves for military purposes at Montreal see, pp. 114, &c. With the letter of the 15th of January, 1805, are reports of surveys, returns, &c., of all the military stores, a study of which, with that of the reports on fortifications, will give very complete information respecting defensive preparations in the Canada of that period.

The maintenance of the walls round the City of Montreal was felt to be a great inconvenience and disadvantage, and frequent representations were made to the Executive Government on the subject. So far back as 1791, General Mann, then a Captain of the Royal Engineers, reported that whilst in the infant state of the colony, the works round Montreal were useful as a protection against the Indians, they were no longer required for that purpose, and that their ruinous condition made them rather a nuisance than a benefit. Part of the material of the walls he recommended should be preserved, the rest to be used for filling up the ditch, or for any other purpose in the re-forming of the town. Citadel Hill, he considered, should be levelled and barracks built on part of it, or by levelling the hill to an easy slope Notre Dame street might be opened to the Quebec suburbs, forming a good entrance and a great improvement to the town. The cross streets should lead to the mountain and a road be preserved along the front of the river, which in time would form a fine quay or promenade. The whole report may be studied with advantage by local historians. (Q. 86-2, p. 277.) In July, 1793, Mr. Dundas approved of the removal of the walls, but directed Lord Dorchester to ascertain whether the owners of the adjoining property had or had not the right, as they maintained, to have their property extended on the removal. In 1797, Prescott, Lieut.-Governor, informed the Legislature that the petition for the extension of property consequent on the removal of the walls had been granted, desired the Assembly to take measures to prevent litigation between owners past and present and stated that the officer commanding Royal Engineers would be directed to prepare a plan of the town and fortifications, which would show the reserves proposed to be made for the use of the Crown. The bill for this purpose, prepared by the Attorney-General and transmitted to the Colonial Secretary is in Q. 86-2 in English at page 290 and in French at page 318. In November (1797) the Colonial Secretary wrote that the bill had been received and would be returned with such directions as might be necessary, which were sent in August, 1798. In 1801, a bill for the removal of the walls, in accordance with these last directions, was passed by the Legislature with some amendments, but reserved by Sir Robert Milnes in case any further consideration in a military point of view might be thought necessary. This, and two other reserved acts, were assented to by His Majesty without change or modification, a decision communicated to Milnes on the 6th of May, 1802, and on the 10th of June, 1803, a proclamation was issued giving effect to the reserved bills. A plan of the town and fortifications of Montreal at this period (1802) is in Q. 299, p. 81b.

On the 6th of June, 1803, a destructive fire took place in Montreal. It broke out in the house of a man named Chevalier in St. Lawrence Main Street, on the north east side, toward the upper end. The wind was high and variable; the houses and outhouses on both sides of the street soon took fire. At a quarter to four the roof of the gaol was burning, soon followed by the English Church on the north-east and

the Roman Catholic Chapel on the south-west side. These, to use the words of the report by the magistrates, were "instantaneously consumed." It was with difficulty the Court-house was saved. Besides the gaol and two church buildings, the Roman Catholic college and eleven houses were burned in the lower part of the town. About ten o'clock at night the fire was under control, at the house adjoining that occupied by Mr. Justice Ogden. In the suburbs, where it originated, the fire was extinguished by sunset, after destroying thirteen houses, besides outhouses, stables, &c. Other fires followed during the summer, of so alarming a character, that it seemed evident they did not arise from accident but from design and a reward of £500 was offered for the apprehension of the offenders. With the exception of the first, which took place in June, these fires broke out during the first week of August, and the magistrates offered a reward of £250, making with that offered by the Governor £750 for the detection of the criminals. The succession of fires is thus reported. On Monday, 1st August, a little after one in the morning, fire broke out and consumed two houses; on Tuesday morning at 6 o'clock, a stable was discovered to be on fire, but was pulled down, and the fire extinguished; on Wednesday several houses were burned, one man killed and a number more or less seriously wounded. On Friday other fires broke out, entirely destroying a number of houses, and it was with difficulty the lower part of the town was saved from a serious conflagration. Patrols were established and precautions taken to guard against a repetition of the fires. Nothing further appears in the correspondence in relation to this subject.

Another fire may be noticed here, that of the Convent of the Ursuline Nuns at Three Rivers, on the 2nd of October, 1806, of which, however, no details are given.

In accordance with instructions, from the Hon. John Carling, then Minister of Agriculture, I proceeded to London, which I reached on the 18th of October last for the purpose of continuing investigations of the documents relating to the Dominion. Since that time I have been daily at work on the examination of the papers, but it is not yet sufficiently advanced to permit of a satisfactory report being made.

The whole respectfully submitted,

DOUGLAS BRYMNER,
Archivist.

31st December, 1892.

List of Books, &c., presented, with the Names of the Givers.

Abbott, Hon. J. J. C.	Ottawa	Case of Labrador Co.
Almon, Senator	Halifax	Cochrane Correspondence.
Buckingham, Wm.	Stratford	Hon. Alex. Mackenzie, his life and times.
Fraser, John	Montreal	Historic Canadian Ground.
Historical Manuscripts Commission		Volume VII.
Inter-State Commerce Commission		Statistics of Railways in the United States.
Keefer, T. C.	New Edinburgh	Manuscript.
Literary and Historical Society	Quebec	Currency of Canada.
Macalester College		Contributions.
Master of the Rolls	London, Eng.	Letters and Papers Henry VIII.
		Volume 12, part II., 1537.
		Calendar Committee for compounding 1643-1660.
		Chronicles par Naurin 1447-71, and 1422-31.
		Year Book 15 Edward III.
		Sarum Charters and Documents.
		Giraldus Cambrensis.
		Calendar of Patent Rolls.
		Edward III 1327-1330.
		Niagara, 100 years ago, by Janet Carnochan.
		Historical Pamphlets.
		Collections 1886-87.
		Pamphlet.
		Publications.
		Historical Pamphlets.
		Historical Pamphlet.
		State Papers, by a late Secretary of State, 1789 Vol. 2
		Report.
		List of Land Grants, 1837.
		Memoirs Lyman Copeland Draper.
		Black Hawk War.
		Transactions.
		Report, 1891.
Matheson, D.	Ottawa	
Neill, Rev. E. D.	St. Paul, Minn.	
New York Historical Society		
Olney, George N.	New York	
Pennsylvania Historical Society		
Raymond, Rev. N. O.	St. John, N.B.	
Renault, Raul.	Quebec	
Robinson, J. De Lancey.	Fredericton, N.B.	
Smithsonian Institute		
Spry, D.	Barrie	
Thwaites, Reuben G.	Madison, Wis.	
Wisconsin State Society		
Yale University	New Haven.	

NOTE A.

SETTLEMENTS AND SURVEYS.

(Continued from Report of 1891.)

APPLICANTS, &C., FOR LANDS IN MAY, 1788.

(Canadian Archives, Series Q., Vol. 37, before the division of the Province.)

The figures following the names indicate the pages.

- A.—Allsopp, George, 272; Antrobus, 281, 283, 292 to 309, 311, 312.
- B.—Battery Point, 259; Bennington, 316; Berthelot d'Artigney, 316; Bostwick, Rev. Gideon, 283.
- C.—Caldwell, Hon. Henry, 278; Carillon, 271; Chaleurs Bay, 252, 266, 280; Chambly, 274; Cochrane, Hon. John, 274 to 278.
- D.—Darcy, Thomas, 266, 309; D'Artigny, (Berthelot), 316; Davison & Lees, 311; Dibble, George, 283; Drummond, Capt. Peter, 283; Dulmage, Lieut. John, 283; Dunbar, Capt. David, 267.
- G.—Grand River (Ottawa), 266, 279, 284; Grant, Captain David, 267, 310.
- H.—Harrison, Edward, 289; Hoofnail, Michael, 283.
- J.—Jessup, Major Edward, 283, 311, Lieut. Edward, 283.
- L.—Lakes, Laclaire, 270; Long, 263; Memphemagog, 317; Simcoe (or LaClaire), 270; Superior, 263; Temiscouata, 268; L'Assomption, river, 267; Lawe, Capt. George, 267; Lees, John, 283; Lees, see Davison, 311; Long Sault, 267.
- Mc.—MacLean, Capt. Lauchlin, 271, Lieut. Neil, 271.
- M.—Mann, Edward Isaac, 280, Isaac, 279, Isaac, junior, 262, 279, John, 279, Thomas, 280, William, 280; Murray, Richard, 283.
- N.—North West Co., 262; Nouvelle, 259.
- O.—Ottawa, (Grand River) 266, 279, 284, 314.
- P.—Porter, Asa, 317 to 322.
- R.—Rocheblave, 269, 310.
- S.—St. John's Blockhouse, 316; St. Regis, 271; Shoolbred, John, 252 to 262.
- T.—Toronto, Portage, 269, 310.
- V.—Vaudreuil, Seignior of, 266.
- W.—William Henry, 281.
- Y.—Yacta Point, 259.

APPLICANTS, &C., FOR LANDS IN JULY, 1788.

(Canadian Archives, Series Q., Vol. 38, before the division of the Province.)

The figures following the names indicate the pages.

- A.—Allsopp, George, 104.
- B.—Boucherville, Capt. de, 44, 46; Bourdage, Louis, 127 to 130, 135, Widow, 128.
- C.—Canadian Companies, 44, 46; Cataraqui, 133; Chambly, 37; Chaleurs Bay, 127, 128; Coveil, Capt. Simeon, 133, 135; Cugnet, François Etienne, 101, 102.
- D.—Davison, Alexander, 105; Delancy, Col. James, 132; Desautiers, Capt., 44, 46; Drummond, Colin, 104; Dumas, Alexandre, 103, Jean Baptiste, 39, 134; Dunn, Thomas, 103.
- E.—Finlay, Hugh, 100 (petitions respecting St. Maurice forges, 110, 111); Fitch, Col. Eleazer, 40, 45, 46; Fortune, Col. William, 38, 134; Fraucherville, Therèse Delouagne, widow of, 101; Fromenteau, Louis, 127, 135.

- G.—Gamelin, Ignace, 101, 102; Gagy, Conrad, (forges 1783) 104.
 H.—Holland, Major Samuel, 128; Holmes, Lieut.-Col. James, 132, 135.
 J.—Johnston, James, 104.
 L.—Lafond, Marie Boucher, widow of Etienne, 161; Lake, Memphremagog, 42
 130; Lake St. Francis, 45; La Verandry, Seigniory, 101; Lees, John, 105.
 M.—Moseley, Isaac, 130 to 132; Murray, Quarter Master John, 36, widow of
 Lieut. Duncan, 36, 134.
 N.—Niagara, Fort, 36; Niverville, M. de, 37.
 O.—Oswegatchie, 133.
 P.—Pelissier, Christopher, 103; Porter, Asa, 45, 46; Poulin, widow of Maurice,
 100, Michael, 102, Pierre, 102; Price, Benjamin, 104.
 R.—Rivers, Bonaventure, 127, Ottawa, 37, 39, St. Francis, 43, Yamaska, 130;
 Rouville, Capt. de, 44, 46.
 S.—St. Etienne, Seigniory, 101; St. Martin, Dumas, 104; St. Maurice, forges
 (1767) 103 (1783) 103, 104. (Report on the mines, with details 100 to 109 and peti-
 tions by Finlay, 110, 111). (Other documents relating to the forges, 112 to 126);
 St. Maurice, Seigniory, 100, 102; Shoolbred, John, 35, (reports, conditions in French
 grants and proposed deeds for the grant of a fief to Shoolbred, 47 to 99); Simonnet,
 Jacques, 102.
 T.—Taschereau, Thomas Jacques, 102; Three Rivers, 100; Todd, James, 135.
 V.—Varennes, Sieur de, 101.
 W.—Watson, Brook, 104; West Chester Refugees, 132; Worthington, John, 41.

APPLICANTS, &c., FOR LANDS FROM JULY TO OCTOBER, 1788.

(*Canadian Archives, Series Q., Vol. 39, before the division of the Province.*)

The figures following the names indicate the pages.

- A.—Allsopp, George, 80 to 82; Amory, widow of John, 103; Anderson,
 Joseph, 90.
 B.—Ball, Lieut. Jacob, 77; Lieut. Thomas, 77; Beasley, Richard, 93; Bethune,
 Rev. John, 88; Boucherville, Marie Margrite de, widow of La Corne St. Luc, 89;
 Bradt, Capt. Andrew, 77; British Militia, 97; Butler, Lieut.-Col. John and officers
 of Rangers, 77.
 C.—Caldwell, Col. 97. Capt. for his sons William and James, 84; Campbell,
 widow Abigail, 94, Major Colin, 96, George, 163, Lieut.-Col. John, 96; Cape Diamond,
 80; Carillon, 87, 89, 91, 99; Cataract, 91, 98; Charlottenburgh, 88, 97; Chisholm,
 Alexander, 102; Church, Malachy, 104; Oliver, 104, Clarke, Isaac Winslow, 80;
 Claus, Lieut. William, 99; Collins, John, 91; Cook, Michael, 95; Cornwall, 88, 97;
 Covell, Simon, 86; Curot, Messrs., of Montreal, 99.
 D.—Dedegan, Pierre, 95.
 E.—Edwardsburg, 95, 103; Ernestown, 90.
 F.—Farquharson, James, 100.
 G.—Genevay, Lewis, 101; Going, Richard, 94; Gray, Major James, 95.
 H.—Hare, widow of Lieut. Henry, 87; Harkimer, Capt., 92; Harris, Lieut.-Col.,
 89; Hay, Lieut. Henry, 85, widow of John, 85; Hughes, James, 91.
 I.—Impey, Adam, 87; Islands, Calumet, Le Grand, 101, Carleton, 98, Grand Isle,
 (now Wolfe Island), 85, 98, 99, Grenadier, 98, Tanti, 98.
 J.—Jacquet, François, 90; Johnson, heirs of Col. Guy, 98, Sir John, 97, 98, Sir
 John, for officers of the King's Royal Regiment of New York, 76.
 K.—Kingston, 90.
 L.—Lakes, Little St. Francis, 96, Memphremagog, 91, Ontario, 93, St. Francis,
 94; La Motte, William, 84; Landriaux, Antoine, 92; Leake, heirs of Major, 39;
 Longueuil, Joseph de, 96; Lord, Elizabeth, 92, Joseph, 92; Lorimier, François,
 Verneuil de, 97, Guillaume, 97.
 Mc.—McDonell, Lieut. Angus, 97, Lieut. Archibald, 85, Major James, 85;
 Mackay, John, 83, Samuel, 83, widow of Capt. Samuel, 83; McKinnon, Lieut. Donald,
 101.

M.—Marchand, Louis (his services 79); Marcheterre, Louis, 90; Mecklenburgh, District, 90; Molloy, James, 103; Munro, Capt. Hugh, 96; Murray, widow of Lieut. Duncan, 100.

N.—Niagara, 100.

O.—Orillat, widow, 94; Osnabruck, 95.

P.—Pagé, Joseph, 92; Pastorius, Abraham, 96; Pemitiscutiank, 93, 94; Petite Nation, 95; Powell, William Dummer, 79.

Q.—Quinté, Bay of, 98, 102.

R.—Rastoul, Frederick, 90; Regiment, 84th. Proportion of grants to each rank, namely, to field officers, 5,000 acres; captains, 3,000; subalterns, 2,000; non-commissioned officers, 200; privates, 50 acres, 75; River Chateauguay, 89, 90. Detroit, 84, Grand, (see Ottawa), Ottawa, 79, 80, 85, 88, 91, 96, 98, 99, 104.

S.—St. Luc, widow of La Corne, 89; St. Sulpice, 96; Smith, Peter, 93; Smyth, George, Naval officer, 91, Terence, 91; Spencer, Benjamin, 101, Hazleton, 101; Stuart, Rev. John, 90, Sydney, 103.

T.—Tonbroek, Capt. Peter, 77; Thurlow, 103; Toronto, 90, 92, 93, 94; Twelve Mile Creek, 100.

V.—Van der Leyden, Mr., 102; Vaudreuil, Seigniory, 91.

W.—Weimer, Jacob, 93; Wing, Abraham, Junior, 92.

ALICANTS, &C., FOR LANDS IN MARCH, 1789.

(*Canadian Archives, Series Q., Vol. 41, before the division of the Province.*)

The figures following the names indicate the pages.

A.—Anderson, Robert, 239, William, 238; Armstrong, Jesse, 238; Ayton, John, 239.

B.—Beaudin, Madame, 246; Betts, Benjamin, 244; Bistodeau, (or Bistadeau), Antoine, 243, 249; Bobb, Jacob, 243, 248; Boudros, Athinass, 246; Bowman, John, 238; Burch, John, 250.

C.—Caldwell, Captain, for his sons, William and James, 233; Campbell, Archibald, 237, Donald, 237; Cap. Chalmes, 246, 249; Carillon, 244; Cary, Thomas, 240; Chaleurs, Bay, 245, 246; Clarke, William, 239; Claus, heirs of Daniel, 235, Lieut. William, 235; Cook, Alexander, 239; Coulson, Francis, 238; Crebassa, Henry, 239; Cunningham, John, 238, T., Senior, 238, Thomas, 238.

D.—Davison, John, 239; Day, Elias, 237, Ithamar, 238, Ithamar, Junior, 238, Jose, 238, Thomas, 237; De Lisle, Rev. C., 232; Desgouffre, Aubin, 246; Dillon, Richard, 239; Duncanson, James, 238; Duthie, John, 245.

E.—Edwardsburg, 236; Elizabethtown, 240; Emerson, John, (his services, &c., 44), 249, Joseph, 237.

F.—Farquharson, James, 235; Ferguson, Alexander, 239, Joseph, 237; Finney, Francis, 238; Fortin, —, 246; Foy, Lieut. Louis, 241, 247; Fraser, Hugh, 238, William, 238, 239.

G.—Galette, Vieille, 234; Galway, Alexander, 238; Garfield, Jos., 238; Gaspé, 246, (little), 245; Genevay, Capt. Lewis, 236; Gibbons, James, 239; Gill, John de Courey, 242, 248; Gordon, John, 238; Graham, T., 240; Grant, John, 237, 238; Green, James, 237; Gregory, P. Wharton, 238; Greig, James, 239.

H.—Hadden, Robert, 239; Hamilton, Robert, 250; Harris, Lieut.-Col., 234; Harron, George, 239; Holmes, Benjamin, 232.

I.—Island, Grand Calumet, 236, Tonti, 235; Iver, Alexander, 237.

J.—Johnson, Sir John, 235, for heirs of Guy, 235, for heirs of Major Leake, 235; Juncken, Henry, 237.

K.—King, Godfrey, 239; Kingston, 250; Kitfield, Nathaniel, 237.

L.—La Corne, widow of St. Luc, 234; Lafontaine, F. de, 246, 249; Laforce, Hypolite, 246; Lake St. Francis, 233, 234, Temiscouata, 234; La Motte, Capt. W., 7a—1½

- 233; Laplante, —, 246; Lawe, Capt. George, 233; Liens, Michael, 238; Linton, George, 239; Longueuil, M. de, 244; Lorimier, François, Verneuil de, 234, Guillaume, 234.
- Mc.—McCutcheon, James, 239; McDonald, Alexander, 238, Donald, 239, John, 239; McIntosh, John, 238; McKay, Donald, 238; McLean, Neil, 250; McPherson, John, 239; McRae, Allan, 238; McVay, Sergeant P., 238.
- M.—Maxwell, Lieut., 246; May, Jos., 239; Merret, Jos., 239; Miller, James, 237; Mitchel, Fred., 239; Montmoulin, Fred. Gaudot, 239, Jos. Fred., 239, Rev. M., 239; Morrison, Hector, 237; Murray, Widow, 235; Myers, Capt. Walter, 244.
- N.—Nelson, James, 240; Niagara, 235, 250; Nugent, William, 237.
- O.—Orlay, Pat., 246; Osnabruck, 241, 248.
- P.—Parr, George, 238; Pashley, Joseph, 237; Pearson, John, 238; Petot, Nathaniel, 250; Petry, Fred., 239; Phillips, Robert, 239; Pointe la Croix, 245; Powell, W. Dunmer, 233.
- Q.—Quebec, Lower Town, 243, 246, 249; Quinté, Bay of, 244.
- R.—Réaume, Charles, 242, 248; Rees, John, 237; Richardson, John, 238; Restigouche Indians, 245; Ritchie, Hugh, 239; River, Chateauguay, 232, 233, 234, Detroit, 233, Grand, (see Ottawa), Metapediac, 245, Ottawa, 233, 234, 235, 241, 242, 243, 244, 247, 248, 249, St. Anne, (little), 246, 249, St. Lawrence, 246; Robb, John, 239; Robinson, Militia man, 239; Ross, John, 238.
- S.—Saxton, Lieut. Joseph, 237; Smith, Hugh, 245, John, 239; Smyth, Edward, 298; Sogudywitochenen, 244; Stagman, (Stegman?) Lieut. John, 241, 247; Stanley, John, 238; Stedman, Philip, 250; Stilhem, Jos., 238; Strachan, Isabella, 239; Sweetland, Henry, 238.
- T.—Telfair, John, 238; Thomas, Charles, 242, 248; Thompson, Peter, 238, widow of Peter, 238, Th., 237; Toronto, 242, 248.
- V.—Vallé, Louis, 246, 249.
- W.—Walker, James, 240; Warren, John, 250; Webb, Militia man, 239; William, Henry, (town) 232, 243, 248; Williams, Edward, 237, W. John, 238; Willsie, James, 237; Wing, Abraham, 236; Wright, David, 238.
- Y.—Young, John, 239.

APPLICANTS, &c., FOR LANDS IN JULY, 1789.

(*Canadian Archives, Series Q., Vol. 43-2, before the division of the Province.*)

The figures following the names indicate the pages.

- B.—Beaseley, Richard, 567; Beauchemin, Pierre, 568; Beauvilliers, heirs of François, 568; Bleury, de, 570.
- C.—Cameron, Andrew, 544; Cananoque, (see Gananoque); Chaleurs Bay, 557, 565; Clarke, Robert, 561, 565; Cournoyer, Ignace, 567, Jean Baptiste, 568.
- D.—De Lisle, Michel, 567; Desfonds, heirs of Jean, 568; Desourey, Pierre, 568; Doty, Rev. John, 562; Dufau, Pierre, 554.
- E.—Ernesttown, 561, 565; Etier, Louis, 568.
- F.—Ferré, J. B., 566; Fromenteau, Louis, 565.
- G.—Gananoque, (see also Rivers), 558; Goring, Richard, 567; Gouin, Joseph, 568.
- H.—Handfield, Thomas, 559, 564; Hare, heirs of Lieut. Henry, 566; Hay, Lieut. Henry, 566, heirs of John, 566; Herkimer, Joseph, 562.
- I.—Impey, Adam, 566; Islands, Isle au Bled d' Inde, 558, 559, 564; Isle Forêt, 557, 562, 563, Nut, 558, 559, 564.
- J.—Jacquet, François, 566; Johnson, Sir John, 548, 550, 558, 563, 564; Jones, Daniel, 556.
- L.—Lake, St. Francis, 567; Landriaux, Antoine, 566; Langevin, Pierre, 571, La Traverse, heirs of Pierre, 568; Le Roux, heirs of Jean Pierre, 571, Jean, dit Provençal, 571; Le Tendre, Antoine, 568, Jean Baptiste, 568; Lines, Nathaniel, 557; Longueuil, Joseph de, 569.

- Mc.—McKinnon, Lieut. Donald, 567; McLeod, Norman, 569.
 M.—Maudeville, Antoine, 568; Mann, Isaac, 557, 565, William, 557, 565;
 Marcheterre, Louis, 566; Matanne, Seigniory, 567; Milot, Antoine, 568, Charles,
 567; Moore, Joseph, 569, 570.
 O.—Orillat, heirs of ———, 565.
 P.—Pagé, Joseph, 566; Pastorius, Abraham, 551, 552, 553, 565; Jean Baptiste,
 567; Pemistiscutiank, 567; Piedmont, 570; Pittsburg, 557.
 Q.—Quebec, 555.
 R.—Rastoul, Frederick, 566; Rivers, Bonaventure, 557, 565, Chateauguay,
 570, Gananoque, 563, 564, Grand, (see Ottawa), Ottawa, 559, 562, 565, 566, 569, 570,
 St. Lawrence, 563, 564; Robertson, Charlotte, 556, Capt. Daniel, 556, Elizabeth,
 556, John, 556, Margaret, 556; Ruisseau, Jaune, (Chaleurs Bay), 557, 565.
 S.—St. Martin, Jean Baptiste, 567, heirs of Jean Baptiste, 568; St. Sulpice, 551,
 565; Schaffalitzky, Baron, 569, 570; Schieffelin, Jacob, 569; Smith, Terence, 560,
 Thomas, 560; Smyth, Peter, 567; Sorel, 571, curate of, 569, seigniory of, 567;
 Stewart, Murdoch, 554; Stone, Joel, 548, 550, 558, 564; Stuart, Rev. John, 560.
 T.—Tonnancourt, Godefroy de, 570; Toronto, 566, 567.
 W.—Weimer, Adam, 566; William, Henry, 570.

TOWNSHIP OF LANCASTER.

(*Canadian Archives, Series Q., Vol. 45-1 and 45-2, before the division of the Province.*)
First Concession, page 295.

(Each lot contains 200 acres.)

- B.—Bland, William, lot 24; Bushby, Thomas, lot 16.
 C.—Cameron, Alexander, lot 25, John, $\frac{1}{2}$ of lot 30; Campbell, Widow, lot 13.
 D.—Dixon, Jane, $\frac{1}{2}$ of lot 30; Dunn, John, lot 20.
 G.—Graham, Thomas, lot 22; Grant, Alexander, $\frac{1}{2}$ of lot 27, John, lot 19,
 William, $\frac{1}{2}$ of lot 27.
 H.—Hair, James, lot 21; Hyler, Nathaniel, lots 17, 18.
 Mc.—McFall, Lieut. David, lot 4; McIntosh, Peter, lot 5.
 M.—Morrison, heirs of C., lots 1, 2, 3, James, $\frac{1}{2}$ of lot 15, Mary, $\frac{1}{2}$ of lot 15.
 R.—Ross, Donald, lot 26, Thomas Ben, lot 29, Thomas Taylor, 28.
 S.—Sutherland, Alexander, lot 7 and $\frac{1}{2}$ of lot 8, Anna, $\frac{1}{2}$ of lot 11, George, lot
 12, Joseph, lot 6, Mary, $\frac{1}{2}$ of lot 11, Thomas, $\frac{1}{2}$ of lot 8, Lieut. Walter, lots 9, 10,
 14, 23.

Second Concession, page 296.

(Lots 1, 2, 3 and $\frac{1}{2}$ each of lots 7 and 8 not granted.)

- B.—Baker, Ben, lot 11; Blakely, Widow, $\frac{1}{2}$ of lot 15.
 C.—Cameron, Alexander, lot 25; Carey, (Curry?), John, $\frac{1}{2}$ of lot 8; Curry,
 John, $\frac{1}{2}$ of lot 9.
 D.—Dunn, John, lot 20.
 F.—Flynn, John, $\frac{1}{2}$ of lot 15; Fouda, James, lot 14; Fountain, Richard, lot 17.
 G.—Grant, Alexander, $\frac{1}{2}$ of lot 27, John, lot 19, William, $\frac{1}{2}$ of lot 27.
 H.—Hair, James, lot 21.
 J.—Jonson (or Tomson), Edward, $\frac{1}{2}$ of lot 5.
 L.—Lemon, John, lot 13.
 Mc.—McBean, Richard, lot 6; McDowell, John, lot 12; McFall, Lieut. David,
 lot 4.
 P.—Powell, Jack, lot 16; Prince, Cato, lot 10.
 R.—Ross, Thomas Taylor, lot 28.
 S.—Searret, John, lot 18; Snyder, Jacob, lots 22, 23; Sutherland, Lieut. Walter,
 $\frac{1}{2}$ of lots 9, 24.
 T.—Tomson (or Jonson), Edward, $\frac{1}{2}$ of lot 5.
 W.—Williams, Moses, $\frac{1}{2}$ of lot 7.
 Y.—Young, James, lot 26.

Third Concession, page 297.

- (Lots 1, 2, 3, 4, 10, 12, 16, 17, 18, $\frac{1}{2}$ of lot 13, $\frac{1}{2}$ of 14 and $\frac{1}{2}$ of 28 not granted.)
 B.—Baker, Ben, lot 11; Blakeley, Widow, $\frac{1}{2}$ of lot 15; Bowman, Luke, $\frac{1}{2}$ of lot 28.
 C.—Cameron, John, $\frac{1}{2}$ of lot 30; Castles, John, $\frac{1}{2}$ of lot 26; Curry, John, $\frac{1}{2}$ of lot 9, Widow, $\frac{1}{4}$ of lot 8.
 E.—Edge, Mary, lot 29.
 F.—Flynn, John, $\frac{1}{2}$ of lot 15; Fouda, Thomas, $\frac{1}{2}$ of lot 14; Fountain, Richard, lot 5.
 G.—Graham, Thomas, lot 22; Grant, John, lot 19.
 L.—Lemon, John, $\frac{1}{4}$ of lot 13; Londonderry, lot 27.
 S.—Sambro, $\frac{1}{2}$ of lot 30; Sealey, Augustus, lots 20, 21, 25; Snyder, Jacob, lot 23, Jeremiah, lot 24; Sutherland, Joseph, lot 6, Lieut. Walter, $\frac{1}{2}$ of lot 9.
 W.—Williams, Moses, lot 7, $\frac{1}{4}$ of lot 8; Wright, John, $\frac{1}{2}$ of lot 28.
 Y.—Young, James, $\frac{1}{2}$ of lot 26.

LAND BOARD OF MECKLENBURG.

(*Canadian Archives, Series Q., Vol. 45-2, before the division of the Province.*)

Schedule 1, page 367.

LIST of reduced officers of Provincial Corps who applied for land between the 17th of June and 9th of September, 1789.

2nd Batt. Royal Reg. of New York.

- Capt. James McDonell.
 " George Singleton.
 Lieut. Hazelton Spencer.
 " Oliver Church.
 " John Howard.
 " Henry Young.
 " William McKay.
 Ensign William Crawford.
 " " for his father, Capt. Crawford.
 " John Thompson.

King's Rangers.

- Major James Rogers.
 Capt. John Walter Myer.
 Lieut. Henry Guimon. (?)
 " James Robins.
 " James Parot.
 Ensign John Peters.
 " Richard Ferguson.

Schedule 2, page 369.

LIST of old settlers who applied for land during the same period. (The figures following the names show the number of acres granted.)

- A.—Abraham, Christian, 200; Anise, Jonas, 200.
 B.—Bartholomew, Peter, 200; Booth, Joshua, 200; Boyce, Stephen, 200.
 C.—Cole, Simon J., 350; Conklen, John, 200.
 D.—Davis, Henry, 200.
 F.—Finckle, Henry, 200; Foster, John, 200, Moses, 350; Franklin, John, 100, Joseph, 200, Joseph, junior, 200; Frileigh, Christopher, 100, Peter, 100.
 G.—Gardener, Henry, 350; German, John, 200.
 H.—Hartman, David, 300, Philip, 200; Hawley, Davis, 300; Hesse, Jacob, 200; Hicks, Lewis, 500; Hough, Barnabas, 300.

- J.—Johnson, William, 200.
 Mc.—McDougall, Peter, 300; McFaggert, James, 450; McKenzie, Colin, 600.
 P.—Perry, Robert, 400; Putnam, Russell, 150.
 R.—Rambourg, Amos, 300; Richards, John, 200; Rogers, David, 260, James, junior, 200.
 S.—Smith, Michael, 200; Snyder, Abraham, 200, Simon, 200; Spencer, Augustus, 200; Stoner, Martin, 200; Storms, Gilbert, 400; Swan, Charles, 200.
 T.—Thomas, Peter, 200.
 V.—Van Dwien, Conrade, 200.
 W.—Walker, Daniel, 200; Washburn, Ebenezer, 200.

Townships mentioned in Schedule 2.

- A.—Adolphustown.
 C.—Carleton Island.
 E.—Ernesttown.
 F.—Fredericksburg.
 K.—Kingston.
 M.—Marysburg.
 P.—Pittsburg.
 T.—ThurLOW.

Schedule 3, page 371.

LIST OF PERSONS from the American States and elsewhere admitted during the same period to become settlers. The names of the townships not returned. (Each settler received 200 acres.)

- B.—Bushel, Richard.
 C.—Conger, David junior, Peter de Sydney.
 D.—Demaree, James, Nicolas.
 F.—Foster, Oliver; Frederick, Peter; Fretz, Jacob.
 H.—Hanna, William; Havens, John; Hennessey, James; Hunt, Philip; Hurff, Auzel.
 Mc.—McMichael, John.
 P.—Paddock, Solomon.
 S.—Smith, Jacob; Snyder, John, William; Stuart, Alexander.
 V.—Vilia, William.
 W.—Walker, William.
 Y.—Young, Robert.

Schedule 4, page 372.

LIST OF LANDS granted between 1st October, 1788, and 23rd September, 1789.

(The figures following the names show the number of acres granted.)

- A.—Ashold, Isaac, 100; Attwood, Benjamin, 100.
 B.—Babcock, David, 200; Boice, Stephen, 200; Booth, Joshua, 200; Bradt, Peter, 100; Brown, Stephen, 100; Bushel, Richard, 200.
 C.—Clapp, Benjamin, 100, Elias, 100, Joseph, 100; Clocker, Joachim, 200; Cole, Tobias, 100; Conklin, John, 200; Crawford, Ensign William, 200.
 D.—Demaree, James, 100; Duree, Samuel, 100.
 F.—Ferguson, John, 100; Finckle, Henry, 200; Foster, John, 200, William, 100; Franklin, John, 100, Joseph senior, 200, Joseph junior, 200; Fredericks, Conradt, 100; Fretz, Jacob, 200; Frileigh, Christopher, 100, Jacob, 200, Martin, 200, Peter, 100.
 G.—Galloway, Samuel, 200; German, John, Senior, 200; Graham, Richard, 100, William, 100.
 H.—Hanna, William, 200; Hartman, David, 300, Philip, 200; Hantz, John, 100; Havens, John, 200; Hawley, David, 300; Hennessey, James, 200; Hesse, Jacob, 200; Hough, Barnabas, 300; Huff, Abraham, 100, John, 100, Solomon, 100, William, 100.
 J.—Johnson, James, 100, John, 100, William, 200.

- K.—Kine, Francis, 100.
 L.—Lake, Nicholas, 200; Laughlin, (Laughlin?), Alexander, 100; Leode, Godfrey, 100; Lewis, Richard, 100; William, 100; Lipscomb, Captain, 100; Longwell, John, 100, Matthew, 100.
 Mc.—McAfee, John, 100; McDougall, Peter, 300; McMichael, John, 200.
 M.—Marsh, Matthias, 100; Miss. Thomas, 100; Myers, Capt. John Walter, 200.
 N.—Nylkar, Nicholas, 100.
 O.—Ostrum, Rudolf, 100.
 P.—Paddock, Solomon, 200; Perry, Robert, 400; Purdy, Gilbert, 100.
 R.—Rasbur, Peter, 100; Reid, John, 100; William, 100; Robins, Lieut. James, 200.
 S.—Smith, Abraham, 100, Jacob, 250 and 200, James, 200, Michael, 200, Richard, 200 and 100, Samuel, 100, Thomas, 100; Spence, Benjamin, 100; Henry, 100; Swick, Philip, 100.
 T.—Thomas, Peter, 200; Thompson, Timothy, 200.
 V.—Vanderlop, John, 200; Vanhorn, Garrot, 100.
 W.—Walker, David, 200, William, 200; Williams, Samuel, 100; Willsea, Abraham, 100; Winney, Benjamin, 100; Wood, John, 100; Wright, Robert, 100.
 Y.—Yedman, (Yeoman?), Eleazer, 100; Yeoman, Arthur, 200, David, 200; Young, Robert, 200.

TOWNSHIPS mentioned in Schedule 4. (The townships, concessions and lots are placed opposite the name of each grantee in the schedule.)

Camden, Ernest-town, Fredericksburg, Pittsburg, and first township below it, Richmond, Sophiasburg, Sydney, Thurlow.

PETITIONERS AT MONTREAL (reported in January. 1790) for lands on the Ottawa, page 388.

- B.—Bloomes, Nicholas; Bradley, John; Bright, Lavis.
 C.—Carpenter, Peter; Cumming, John.
 D.—Dogstrader (Dockstrader?), Adam.
 K.—Kayser, Melcher; Killimere, George.
 M.—Martin, John.
 S.—Schaum, John.
 T.—Tiring, John.
 W.—Wallace, William.

ENUMERATION of settlers at Hamilton, Bay of Chaleurs, who have no titles to the lands they have occupied since 1762, with the number of arpents. The number of arpents follows each name.

(*Canadian Archives, Q. 45-2, page 399.*)

TO THE SOUTH-EAST OF THE RIVER.

- B.—Babin, Ambroise, 75, Thomas, 12; Bourdage, Esther Leblanc, widow, 300;
 Bajol, Charles, l'ainé, 75, Charles, fils, 80.
 P.—Poirier, Charles, 72, Pierre, 62½, Pierre dit Parrot, 100.
 R.—Richard, François, 62½, Jean Baptiste, 62½.

TO THE NORTH-WEST OF THE RIVER.

- A.—Arceneau, Gregoire, 60, Jean, l'ainé, 60, Joseph, Capitaine de milice, 60.
 B.—Bernard, Isaac, 60, Jean, 60; Bourg, Joseph, 60.
 G.—Gauthier, Joseph, 60.
 L.—Lavache, Jean Baptiste, 60.

100; Leode,
100; Long-
200.
Walter, 200.

100.
bins. Lieut.
Michael, 200,
100. Henry,

00; Willsea,
Robert, 100.
David, 200;
and lots are
hip below it,
the Ottawa,

titles to the
The number

widow, 300;

milice, 60.

NOTE B.

LOWER CANADA IN 1800.

LIEUT. GOVERNOR MILNES TO THE DUKE OF PORTLAND.

(*Canadian Archives, Series Q., Vol. 85, p. 228.*)

QUEBEC 1st November 1800.

MY LORD,—On my first taking upon myself the administration of the affairs of this Province, I was extremely struck with the wavering state in which I found the Interests of Government. I have since been at much pains to discover the real cause of this situation of things, which I plainly saw lay deeper than I believe, is generally supposed by His Majesty's Ministers, and I am so forcibly impressed with a persuasion that this subject ought to be attended to, that I feel it my duty to lay before Your Grace such remarks as have occurred to me respecting it, in order that Your Grace may be fully apprized of the real state of the Country, and take such measures as you may think fit to strengthen the Executive Power in Lower Canada.

However excellent in itself the new Constitution may be which His Majesty has graciously been pleased to Grant to the Province, I conceive the Foundation of it must rest upon a due proportion being maintained between the Aristocracy and the Lower Orders of the People, without which it will become a dangerous weapon in the hands of the latter. Several causes at present unite in daily lessening the Power and Influence of the Aristocratical Body in Lower Canada. I cannot however but think that measures might be adopted to counterbalance in some degree this tendency, and I shall hereafter have the Honour to point them out to Your Grace: but in order to make myself clearly understood, I must first explain what I consider to be the principal causes by which the Influence of the Aristocracy in this country has gradually been reduced to its present state. The first and most important of these, I am of opinion, arises from the manner in which the Province was originally settled; that is from the independent Tenure by which the cultivators (who form the great Body of the People and are distinguished by the appellation of Habitans) hold their Lands, and, on the other hand, from the inconsiderable power retained by those called the Seigneurs, and the little disposition they feel to increase their Influence or improve their Fortunes by Trade. Hence by degrees, the Canadian Gentry have nearly become extinct, and few of them on their own Territory have the means of living in a more affluent and imposing style than the simple Habitans, who feel themselves in every respect as independent as the seigneur himself, with whom they have no further connexion than merely the obligation of having their corn ground at his Mills, paying the Toll of a fourteenth bushel, which they consider more as a burdensome Tax than as a Return to him for the Land conceded by his family to their Ancestors forever, upon no harder conditions than the obligation above mentioned, a trifling Rent, and that of paying a Twelfth to the Seigneur upon any transfer of the Lands.

The second cause which I apprehend tends to lessen the Influence of Government in this Province is the prevalence of the Roman Catholic Religion, and the independence of the Priesthood; this Independence I find goes considerably further than what was intended by the Royal Instructions wherein it is particularly declared to be His Majesty's pleasure, that no person whatsoever is to have Holy Orders "conferred upon him or to have the Care of Souls, without a license first had and obtained from the Governor," &c., &c., but the Instruction has hitherto never been

enforced, by which means the whole Patronage of the Church has been thrown into the hands of the Roman Catholic Bishops, and all connexion between the Government and the People through that channel is cut off, as the Priests do not consider themselves at all amenable to any other power than the Catholic Bishop.

A singular Instance lately occurred of this Independence: A Priest at Terrebonne, near Montreal, interferred in the most indecent manner in the late election for the County of Effingham. He exerted all his Influence to prevent the Solicitor General from being chosen, and violently supported a man who had been expelled from the House of Assembly on account of his having been convicted of Conspiracy, and who was consequently considered as a dishonoured Person. Upon this man being chosen, the Priest actually went so far as to perform High Mass in the Parish Church, to return thanks, as he termed it, "for the re-election of this Martyr." In Justice to the Canadian Bishop I must add, that upon my representation he did everything that was proper to be done on the occasion.

Another circumstance which has greatly tended to lessen the Influence of Government since the Conquest, has arisen from the necessity which then existed of disembodiment of the Militia, but as I am by no means of opinion, considering the circumstances which took place a few years since that it would be either practicable or prudent to call on the Militia at this particular moment, I shall not enter further into this subject at present, though I shall hereafter revert to the Militia, even in its present state, as a means by which a certain degree of Influence might still perhaps be established in the several parishes.

It may be unnecessary to observe to Your Grace how much more Important the above facts are become since the establishment of the new Constitution. In the time of French Government, an Ordinance issued in the name of the King was sufficient to enforce the Execution of any measure that was deemed expedient, without any discussion taking place upon the subject, or its entering into the mind of the unlettered Habitant, to doubt for a moment the propriety of the measure. But since the establishment of the present Constitution in the year 1792 the case is very different, everything being previously discussed in the House of Assembly, and unless a certain preponderance can be maintained in that House, which at present is by no means as firmly established as I could wish, the Power of the Executive Government will insensibly become nothing. Very few of the Seigneurs, as I have already hinted, have sufficient Interest to ensure their own Election or the Election of anyone to whom they give their support in the House of Assembly; and the uneducated Habitant has even a better chance of being nominated (though he cannot perhaps sign his name) than the first officer under the Crown. There was a moment when I even despaired of getting the Attorney General into the present Assembly, and though it is undoubtedly better composed than the last, it is far from being so respectable a Body as Government might wish.

The Canadian Habitants are, I verily believe, an Industrious, peaceable and well disposed People, but they are, from their want of education and extreme simplicity, liable to be misled by designing and artful men; and were they once made sensible of their own Independence, the worst consequences might ensue. They are, in fact, the sole proprietors of nearly all the cultivated Lands in Lower Canada. The Seigneurs and Ecclesiastical Bodies to whom the Lands were originally granted, having conceded the greater part of the Lands for ever, with little or no reserve, to the Cultivator, in small Parcels of from one to two hundred acres, retaining only, as I have already observed, the Property and Profits of the Mills, a certain proportion of the Produce, which is sometimes paid in kind and in various ways, and the Sods and Ventes; and this species of property attached to the Seigniorial Rights, is by the Ancient French Laws of Inheritance (which occasion frequent subdivisions of Property) in a few Generations become quite inconsiderable, whereby the situation of the Seigneur has in many Instances been reduced below that of the Vassal. Each Habitant cultivates as much Land as he can manage, with the assistance of his own Family, and as is necessary for its support; and having thus within themselves from year to year all the necessaries

of life, there cannot be a more independent Race of people, nor do I believe there is in any part of the world a country in which equality of situation is so nearly established. Except in the Towns of Quebec, Montreal and Three Rivers, little or no difference is observable in the affluence of the Canadians, but what may in some measure arise from the local circumstances of more or less favourable situation, a richer soil, or a greater or less degree of exertion.

The counties are divided into Parishes, each Parish chiefly extending about three leagues along the River St. Lawrence and Chambly, and to each of which there is a Parochial Church; the principal person in every Parish is in general the Priest, another next the Captain of Militia, and it is through the latter that any business is transacted by Government.

Having endeavoured to give Your Grace some insight into the actual state of this country, which I could more fully enlarge upon if I was not apprehensive of intruding too much upon your time until I have received your permission so to do, I shall proceed to point out the means by which I imagine the Influence of Government might be immediately extended to the distant parts of the Province, and though I am conscious this cannot be effected without a certain expense to the Mother Country, I consider that expense as inconsiderable when compared to the sums it would require to quell any disturbance that might for want of timely precaution take place in the Province. The apprehensions of such an event though not immediate, is strongly impressed on the minds of some of the best Friends of Government.

I am well aware the chief object to be depended upon to increase the Influence of the Crown, will be by means of the Waste Lands; and in that point of View the delay that has taken place in the Land Business is greatly to be regretted, and it becomes an object of peculiar Importance to Government that no further delay may occur to prevent the clearing and settling of the immense Tracts that are now in the lands of the Crown undisposed of, as their being granted in free and common socage will in time (if judiciously granted) form in this Province a body of people of the protestant Religion that will naturally feel themselves more immediately connected with the English Government, but as this cannot be expected to have any immediate effect, I am inclined to think that in the meantime much may be done first through the Catholic Priests, and secondly by means of the Militia.

The Present Catholic Bishop is extremely well disposed to Government, he is allowed by His Majesty £200 per annum, as Superintendent of the Catholic Church, in addition to which he receives from Government a Rent of £150 a year for the use of the Bishop's Palace at Quebec, which is occupied by Public Officers; he has lately applied to us for an enclosure of this Rent, signifying at the same time that his income is very inadequate to the situation and the calls which are made upon it, which I have reason to believe is a just statement.

This application offers an occasion of attaching the Canadian Bishop more particularly to Government, if by such an increase of his appointments as His Majesty shall graciously be pleased to allow his situation was made more easy, at the same time requiring of him a strict attention to that part of His Majesty's Instructions to the governor which I have before mentioned. This I am of opinion would tend very much to increase that consideration which the Priests themselves ought to feel, and to encourage in their Parishioners, for the Executive Government, at the same time that it would ensure the co-operation of the Canadian Bishop. But in order to carry this point, particular care must be taken to secure a proper moment, and if the Bishop should be decidedly averse to make the sacrifice required of him, it ought perhaps be deferred to the Peace.

The Priests have a 26th of all the Grain, which may be valued at £25 or £26,000 a year, which alone must make their influence very considerable, and especially as the Religious Bodies are in possession of nearly One Fourth of all the Seigniorial Rights granted before the Conquest (excepting those of the Jesuit Estates lately taken into the possession of the Crown, as will appear by the Inclosure): there are 123 Parishes and 120 Parish Priests.

With regard to the Militia, it will be more difficult to give Your Grace a clear and distinct idea of the mode in which I am inclined to think use may be made of this Body to support the Interests of Government through the Province and to disseminate Principles of Loyalty amongst the Canadians in opposition to that spirit of Democracy which has lately gained so much ground in many parts of the world, but fortunately has not at present made any material progress in Canada.

The Population of Lower Canada is computed at about One Hundred and Sixty Thousand Souls, nine tenths of whom reside in the Parishes before described, distinct from the Towns, and from these are drawn the Canadian Militia, which amount to 37,904 between the ages of 16 and 60. In the Parishes here alluded to, there are 292 Captains of Militia, who are chosen from amongst the most respectable of the Canadian Habitants (the *Etat Major* amounting to 16 being in general chosen from among the *Seigneurs*); and here it is necessary to inform Your Grace how far under the dominion of France the Body of the People were regulated in all Public Matters by the Officers of Militia; the Captains of Militia being the persons employed to issue and enforce the Public ordinances, and the *Curés*, and through the authority thus delegated to them by Government, possessed considerable influence in their respective Parishes.

Although, under His Majesty's Government these powers have in a great measure been withdrawn, especially since the establishment of the new Constitution, there still remains in the minds of the Canadians, a certain consequence attached to the character of Captain of Militia, and as I have before observed to Your Grace it is still customary on all public occasions to employ this useful Class of People to perform many services for Government, which they had hitherto done without other Reward than merely that arising in their own minds from the honour and respectability of the appointment; but this tho' sufficient to render it desirable is, as they feel, by no means an equal return for the considerable Portion of their time so employed. If then by means of an honorary and pecuniary reward, or by any plan that may be so approved of by the Executive Council, this class of the Canadians would be brought to consider themselves as the immediate Officers of the Crown, and peculiarly attached to the Interest of Government, there is no doubt that such an influence, from the circumstance of being equally diffused over the whole Province would effectually tend to keep alive among the great Body of the people, that spirit of Zeal and Loyalty for Monarchical Government which I believe to be natural to the Canadians, but which for want of an immediate class to whom they can look up, and from their having no immediate connexion with the Executive Power, is in danger of becoming extinct.

That Loyalty is a lively principle in the hearts of the Canadians I have no doubt, if I may judge from the expressions of satisfaction which are shewn by all Ranks, whenever the Representative of His Majesty only passes through the Country; this I myself experienced (though at that time generally unknown) in the Tour I lately made through the Province.

There are several other means besides those I have already stated by which I am convinced a proper bias may be maintained in the minds of the Canadians, so as I should hope would secure the Province against any internal Commotion or Disaffection, the details of which I shall reserve until I shall receive Your Grace's sanction to trouble you further on this head, particularly as in order to give Your Grace a complete idea of this subject and the extent of my plan, it will be necessary to solicit your attention while I lay before you a sketch of the relative Expences of the Civil Department of Lower Canada, and the Military expenditures of the Canadas, by which it will appear how little proportion exists in the expences of those Departments, and what a considerable saving may hereafter accrue to Government, if according to the Plan proposed, and by a more liberal allotment to the Civil Expenditure, such an Influence could be attained over the minds of the Canadians as might in the course of time not only secure the Province from any Interior Commotion or disaffection but likewise ensure the co-operation of the Inhabitants in the defence of the Province

against the attempts of a foreign Enemy without the aid of such a Considerable Military Establishment as the Mother-Country has hitherto maintained in this part of His Majesty's Dominions.

The deficiency of the Revenue, upon the average of the last Five years of the Civil Expenditure, amounts, as will appear in the paper I have the honour to transmit, to £12,000 per annum, and the Military expence of the two Canadas, according to the best Information I can collect to about £260,000, this Expence would, in case of any Tumult or Insurrection in the Country, or of a war with the neighbouring States, most probably be double its present amount, and this Consideration alone shows, how infinitely important it is to the Mother-Country, that Your Grace should be made acquainted, while there is yet time, with every means by which the Influence of the Crown may be increased and the hands of the Executive Power strengthened.

But there is another Consideration of perhaps greater importance *than any above mentioned*: Could such an Influence be obtained throughout the Province by means of the Priests and the Captains of Militia, as I have ventured to look forward to, that Influence when fully established might also be employed so as at all Times to ensure a Majority in favour of the Government in the House of Assembly, and to secure the election in that House of such men, as from their Education and knowledge of Business are most likely to see the real Interests of the Province in their true light, and not to be deluded by the fallacious arguments of any popular speaker from giving their entire support to the Executive Government. The defect of such an Influence over the Elections lessens the respectability of that Assembly in a very great degree, and particularly as from the absolute want which has so long existed of the means of Education and the inability of the Canadians to support the Expence that would attend sending their sons to the Mother-Country for that purpose, there are at present scarcely any rising men, and but few men of Talent among the Canadian Gentry.

From this and other Causes the Business of the House of Assembly is transacted with so little system, or regularity, that the oldest members are sometimes unable to form a judgment of what is likely to be Result of their deliberations on the most common subjects.

While a due Preponderance on the side of Government is so manifestly wanting in the Assembly, it is considered by the well-wishers of Government as a fortunate circumstance that the Revenue is not equal to the Expenditure, and Your Grace will immediately see the necessity on this account of preserving, in appearance at least, that disposition in a greater or less degree, as there is no reason to apprehend that in case the Province could be induced to tax itself in a degree equal to the calls of the Executive Government, the Right of Regulation and Control over the whole would probably be aspired to by the Assembly, which could not fail of producing the most injurious consequences to the Colonial Government, rendering it from that moment dependent on the will of a popular Assembly.

The burthen which is at present thrown upon the Mother-Country will be fully compensated for, whenever the sums that shall arise from the sale of the Waste Lands begin to come in, and particularly if (as appears by the despatch of the 13th July, 1797, to Gen. Prescott, to have been in contemplation) it should be determined to appropriate the moneys arising from these sales to the purchase of Stock in the English Funds, and the Interest of this Stock to go in aid of the Civil Expenditures of the Province, in such manner as the Lords of His Majesty's Treasury may direct.

The Quantity of Land which from first to last will have been at the disposal of Government is computed at about One hundred and fifty Townships, equal to Ten million of Acres, which have actually been applied for, including as is supposed the principal part of the Ungranted Lands in Lower Canada that are deemed convenient and fit for cultivation.

Of the above about Thirty-five Townships only are in contemplation to be granted in the original Terms proposed in the year 1792, consequently one hundred

and fifteen Townships will remain for the future disposition of the Crown, exclusive of the Church and Crown reserves, consisting of five sevenths set apart in the Townships already granted.

The Wealth, Power and Influence that must accrue to the Parent State when these Lands became settled is an object of self evident magnitude, and must in time make a full return for whatever will be found necessary in the meanwhile to support and secure so valuable a colony.

I flatter myself there can be no doubt that the Liberality with which His Majesty has lately been pleased to provide the means of Education in the Province, will go a great way to secure the affection and Loyalty of the rising Generation, who would otherwise be in danger of imbibing Principles inimical to His Majesty's mild and paternal Government, by the necessity which has hitherto existed of their being sent to the neighbouring states for Education.

The respectable footing upon which the Protestant Church is about to be put in Quebec will likewise tend to increase Consideration which ought to prevail for the Established Church.

When I began this Dispatch I did not foresee the length into which I have inevitably been drawn, but trust I shall stand excused in the opinion of Your Grace by the motives that have actuated me in this research, and I may truly say I have no other view than a full and conscientious discharge of all the duties that belong to the situation which His Majesty has been pleased to entrust to me.

I have the Honour to be, My Lord,

Your Grace's most obedient and most humble servant

ROBT. S. MILNES.

Enclosed.

Memorandum of the Total quantity of Land granted in Canada, previous to the Conquest, with the proportions thereof granted to the Church and Laity:—

Total amount of Grants..... 7,985,470

To the Church.

Quebec Ursulines.....	164,615
Three Rivers Ursulines.....	38,909
Recollets.....	945
Bishop and Seminary of Quebec.....	693,324
Jesuites.....	891,845
St. Sulpiciens.....	250,191
General Hospital, Quebec.....	73
do Montreal	404
Hotel Dieu, Quebec	14,112
Sœurs Grises	42,336

To the Laity..... 2,096,754
5,888,716

7,985,470

To the Church nearly $\frac{3}{4}$ th.

A Statement of the Revenue and Expenditures of the Province of Lower Canada for five years commencing in 1795.

The Revenues are as follow :

1st. The Casual and Territorial Revenues of the Crown as it existed before the Conquest, which together with the King's Fines on an average of Five Years have produced about..... £1,500 0 0

2nd. The Revenues from Duties, &c., under the Act of the 14th of the King, the average whereof has been fixed by the Legislature at..... 4,644 8

3rd. The appropriation of duties for the payment of the Officers of the Legislative Council and Assembly, and contingencies about.....	1,500	0	0
4th. The duties imposed by the Legislature to make good the sum of £5,000 stg., voted towards the administration of Justice and support of the Civil Government	5,555	11	1
	£13,199	19	1

The Expenditure on average :—For five years commencing in 1795 and ending in 1799 (exclusive of the Payments for the support of the Clergy &c.) pr. Lists of Warrants annually laid before the Legislature are about.....

	25,200	0	0
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Annual deficiency about..... £12,000 0 0
which has hitherto been supplied and paid from the Army Extraordinaries.

Remarks.

The Revenue from the source No. 1 has been of late improved and may still improve under the same management, in the following particulars :

Leases of the Forges St. Maurice formerly £20.16.0 now leased for £850 pr. annum for five years. Lease of a part of the King's wharf for years at £310 per annum.

The remainder given up for the uses of the Military Department estimated at £ per annum.

The King's Post now leased for £400 pr. annum, there is reason to believe, may be leased for a much larger sum.

The Lots et Ventes or Mutation Fines in the King's Domain at Quebec and elsewhere *now unproductive* may if attended to and collected (or an equivalent in lieu thereof) produce a considerable addition to the Revenue.

The Revenue under the 14th of the King (if the Act of Consolidation should be ratified) will be blended with the other funds provided by the Provincial Legislature, any deficiency must be made good thereby, but on the other hand the surplus, if any (and which is the more probable) will be at the disposal of the Legislature.

The Revenue No. 3 is in the same predicament. The sum of £5,000 stg. having been voted to be raised by the Legislature of the Province, and accepted by Government as a fund towards the administration of Justice and support of the Civil Government may be considered as its acknowledged proportion of the expences.

NOTE C.

ECCLESIASTICAL AFFAIRS IN LOWER CANADA

No. 1.—LIEUT. GOVERNOR MILNES TO LORD HOBART.

QUEBEC, 15th August 1803.

MY LORD,—I have the honour to transmit Your Lordship a copy of a letter from the Lord Bishop of Quebec, respecting the situation of ecclesiastical affairs in this Province.

The Bishop in his present letter has entered so fully into this important subject as to leave little for me to say concerning it, and indeed I view the matter as to entirely depending on whatever may be His Majesty's determination with regard to the Church Establishment of Lower Canada, that I consider it unnecessary for me to do more than to transmit Your Lordship's statement for the purpose of its being submitted to His Majesty's consideration, at the same time persuaded that the highly respectable character of the Bishop, and the uniform support he has afforded to the Executive Government of the Province, will add no inconsiderable weight to whatever he may suggest for the better regulation and establishment of Ecclesiastical affairs in this Diocese.

Concerning the Roman Catholic clergy in Lower Canada, it is necessary I should mention to Your Lordship that, so far as I can learn, no authority, or interference with respect to them has hitherto been exercised by any of His Majesty's Representatives in this Province, I have therefore judged it advisable for the present, to leave all matters relating to them in the state in which I found them. Having in my Dispatch marked separate and secret of the 1st November, 1800, (Q. 85. p. 228) to His Grace the Duke of Portland, entered at large into the actual situation of the Roman Catholic Clergy of Lower Canada, I beg leave on the present occasion, to refer Your Lordship to that Dispatch.

I have the honour to be, my Lord,

Your Lordship's most obedient most humble servant
ROBT. S. MILNES.

No. 2.—ANGLICAN BISHOP OF QUEBEC TO LIEUT. GOVERNOR MILNES.

(*Canadian Archives, Series Q., Vol. 92, page 253.*)

SANSBRUIT, 6th June, 1803.

SIR,—It is not without reluctance that I come forward at the present moment to request Your Excellency's attention to the situation of ecclesiastical affairs in this Province, not because I entertain any doubt respecting the importance, or the urgency of the several matters which I wish to lay before you, but because the time in which His Majesty's Bounty is largely employed in completing a Metropolitan Church at Quebec may appear to be ill-chosen for soliciting higher distinction and more extensive protection.

But, after maturely considering the subject in its different relations, and weighing, with the best deliberation in my power, its political, as well as its religious and moral, influence upon the general interests of His Majesty's subjects in these Pro-

vinces, I feel myself impelled, by a sense of superior duty, to surmount my scruples, and submit to Your Excellency's consideration the several points which appear to me to be of more immediate moment.

The Instructions which have been successively issued to His Majesty's Representatives (as far at least as they have been to my knowledge), the provision made by Parliament for the future maintenance of a Protestant Clergy, the erecting of those Provinces into a Bishop's see, and the assurance given to the Bishop upon his appointment to it, have spoken with uniform decision the intentions of His Majesty's Government with respect to the actual *Establishment* of the Church of England here.

I need not observe to Your Excellency that what has been thus obviously intended, has hitherto been very imperfectly effected.

Compared with the respectable Establishments, the substantial Revenues, and the intensive power and privileges of the Church of Rome, the Church of England sinks into a merely tolerated Sect; possessing at the present moment, not one shilling of Revenue which it can properly call its own; without Laws to controul the conduct of its own Members, or even to regulate the ordinary proceedings of Vestries and Church Wardens; without any provision for organizing or conducting the necessary proceedings of an Ecclesiastical Court or power to enforce their Execution. And what is worst of all, and what cannot but alarm and afflict the mind of every serious and reflecting man, without a body of Clergy, either by their number sufficient for the Exigencies of the State, or, by any acknowledged right, or legitimate authority, capable of maintaining their own usefulness or supporting the dignity of a Church Establishment.

I am perfectly aware, Sir, that we must look to the Provincial Parliament for such local laws and regulations, as are above alluded to. But, without meaning any improper reflection upon that body, I may be permitted to say, that as it is at present constituted, the Church of England must not expect any material assistance from it; unless that Church shall first be raised from its present depression, and shall derive, from the proper authority, that weight which alone can give it its *constitutional* preponderance, as the *Established* religion of the country—its rights being at once clearly ascertained and legally secured.

A variety of circumstances of which Your Excellency has perfect information and into the details of which it is not therefore either necessary or proper that I should enter, will, I trust, completely justify this language.

I shall proceed to submit such objects as appear to me to call in a more peculiar manner for immediate consideration.

And first, I would beg to suggest the necessity of determining whether the Church now building at Quebec shall be considered as really a Metropolitan or merely as a Parochial Church; whether it can consistently be left without a chapter? without some portion of that dignity which should constitute its appropriate character?

If a Parochial Church merely, whether the intention of actually *establishing* the Church of England in Canada and of supporting a Bishop's see will not appear to be in reality totally abandoned

To enumerate the manifold advantages which would be derived to the country from such an establishment would carry me too far.

I will mention of only one or two of primary importance. But I must first beg permission to observe to Your Excellency that it is not the interests of the Protestant inhabitants of Quebec, Montreal, Three Rivers, William Henry, and the settlers in the new Townships (the last already amounting to many thousands [Appendix A.] and rapidly increasing) which are involved in this question—important as these interests are—but those also of the whole Province of Upper Canada, which is at least equally concerned in the event of such an establishment.

In both Provinces the majority of His Majesty's subjects are Dissenters; and of these there is a great variety of sects. I speak not my own opinion only, but many of the best informed persons in both Provinces, when I say that an effectual and respectable *establishment* of the Church of England would go near to unite the whole body

of Dissenters within its pale. Upon such a *union* I need make no comment; of its religious benefits (great as they must be) I say nothing. Its political advantages, in times like these, would be incalculable. His Majesty could have no bond more sure for the allegiance and fidelity of his Subjects in these distant Provinces.

Another main advantage would be the facilitating of the necessary supply of clergymen.

Where there is no hope of advancement there can be little expectation of engaging the services of men of ability and worth. Respectable and useful ministers of our Church will not easily be induced to spend their lives in the wilds of this country without any prospect of ever going to such more convenient and more honourable stations as their labours and virtues may be found to deserve.

That primitive zeal which could induce men wholly to forego every comfort of this life for the purpose of propagating the true Religion, I fear, is rarely to be found amongst us; at least it may not have been my good fortune to find it. But the difficulty of providing Clergymen for the new settlement would, I believe, be entirely removed if a liberal and proper Church establishment held out to them a reasonable hope of reaping some fair emolument and some honourable distinction as the reward of an exemplary and meritorious discharge of their duty.

Whenever this subject comes to be considered I hope it will be considered also, that in the present state of Society, the dignity of Religion itself, as well as the respectability of the Church is compromised, when its principal Ministers are too much straitened in their incomes.

Your Excellency, I persuade myself, will be of opinion that the salaries of the Rectors of Quebec and Montreal are now a great deal too low. They have never been augmented since they were first fixed, although the price of many of the necessities of life is at present three times as much as it was at that period.

Two hundred pounds a year is very inadequate to the support of that respectable rank in society, which the Rectors of the Capital of this Province and of this rich and flourishing City of Montreal ought undoubtedly to maintain.

The number of poor in both these cities, who have no provision by the laws, form a strong claim upon the charity of the Ministers of a benevolent religion, a claim which, in the instance alluded to, is well known to be duly attended to. The duty of both parishes is very heavy; too much for a man at all advanced in life; and the assistance of a curate could not be obtained for less than half the Rector's salary.

I think the salary at Three Rivers, which is equal to those at Quebec and Montreal, at present sufficient for the situation, but that at William Henry, which is only £100 a year, is certainly too low.

I would next advert to the jurisdiction of the Bishop.

The late proceedings of the Court of King's Bench at Montreal, in a cause against the Rev. Mr. Tenstall, accused of cruelty in the treatment of his wife (followed by a petition from the principal parishioners for his removal from the Living) proved him guilty of such gross misconduct as loudly called for the animadversion of the Bishop and demanded the authoritative decision of an Ecclesiastical Court. Upon that occasion Your Excellency saw the difficulties that oppose the organizing of such a Court; and the painful situation to which the Bishop must have been reduced, if he had not happily found a resource in Your Excellency's concurrence and support.

Circumstances of a still worse complexion have since threatened still greater difficulties.

Advocates in the temporal Courts are, indeed, in this Country by their Commission, Proctors, but for a registrar, or any inferior officer of the Court, there exist at present no means of provision.

This seems to deserve attention.

If the Establishment should take place, I would beg leave to propose that the Bishop and Dean and Chapter, with the addition of a few more of the clergy, should be incorporated, for the purpose of taking the future superintendence and management

of the lands reserved for the Church; the entire disposition of the fund arising therefrom being left with the Governor and Council of the respective Provinces.

Let me be permitted further to add, that as I humbly conceive, material and general advantage would result from the endowing of the Bishopric and the Chapter, with a portion of the Waste Lands of the Crown, reducing, in proportion, whatever salaries are, or may be, paid to either, out of the Army Extraordinaries or otherwise.

In hazarding such a suggestion as this, after the ample provision that has been made by Parliament for the support of a Protestant Clergy, I am not without apprehension that my motives may appear to be less disinterested than they ought to be; or than in reality they are. Such a conception will, however, I trust be obviated, if it be considered that a revenue from the reserved lands is yet entirely future; that some time must yet elapse before it can be rendered in any degree considerable; that the present dependent state of the Church is ill adapted to give due solidity, or procure proper respect to the *Establishment*; that such endowments as might be made would ultimately bear no proportion to the whole possessions of the Church, and that it is not meant thereby to augment the actual income of any individual.

I am sorry to be under the necessity of occupying so much of Your Excellency's time.

I suppress much that appears to me to be not unworthy of your attention, but there remains one point, which, although I introduce it with pain, because I may again appear to be personally interested, yet seems to me to have growing consequences of so much importance and extent, that I conceive it to be my duty humbly, but most earnestly, to recommend it to Your Excellency's consideration.

His Majesty was graciously pleased in the year 1793, to erect these Provinces and their dependencies into a Bishop's see, "to be called thenceforth" (Letters patent) "the Bishopric of Quebec." By successive Acts of his Government he had been pleased to provide for "the establishment of the Church of England, both in principle and practice," and for the future maintenance of its clergy.

It appeared to be His Majesty's gracious intention to leave to his subjects of the Romish Church "a toleration of the free exercise of their religion, but not the powers and privileges of it as an established Church, for that is a preference which His Majesty deemed to belong to the Church of England alone."

Reserving to himself his just supremacy, His Majesty was pleased to "forbid, under very severe penalties, all appeals to a correspondence with any foreign Ecclesiastical Jurisdiction, of that nature or kind soever"; to prohibit "the exercise of any Episcopal or Vicarial power, within the Province, by any person professing the religion of the Church of Rome, such only excepted as are essentially and indispensably necessary to the free exercise of the Romish Religion, and that not without a licence or permission from the Governor for and during His Majesty's will and pleasure" to direct "that no person should have Holy Orders conferred upon him, or the care of souls, without a licence from the Governor," and "that all the right or claim in any person whatever, other than His Majesty, to present or appoint to any vacant benefice (Patronage of civil right excepted) should be entirely abolished."

But what has Your Excellency found to be, in truth and in fact, the existing state of things?

"The Superintendent of the Church of Rome" (for such I understand to be his legitimate and proper appellation) is in the actual enjoyment of all the power and privileges of the most plenary Episcopal authority, under which he visits not this Province only, or that of Upper Canada, but the Provinces also of Nova Scotia and New Brunswick.

It is under the immediate sanction of the Pope's Bull, that he and his coadjutor enter upon the exercise of their Episcopal functions. He selects, as I understand, without any licence from His Majesty's representative, or any reference to him, whomsoever he thinks proper for Holy Orders and the care of souls.

He disposes absolutely, if I am not misinformed, of the whole Patronage of his extensive Diocese; and since the settlement of the French Emigrant Priests

(Appendix B.) in this Province, he has come forward with decision not only to assume *himself* in the public prints the title of "Bishop of Quebec," but to add the splendid style of "Monseigneur Sa Grandeur, le reverendissime et illustrissime." (C) His coadjutor wears the habit, and assumes the rank of a Bishop and likewise receives the title of Monseigneur.

Books (D) in the English as well as in the French language, inculcating the doctrines and discipline of the Church of Rome, are publicly advertised, under his authority for "the use of the Diocese of Quebec."

I am far from wishing that the Roman Catholic Clergy should be deprived of any of those privileges so liberally conceded to them for the free exercise of their worship, or of any reasonable indulgence that they enjoy; I would rather (if it were permitted) express a wish that the Superintendent's allowance from Government were better suited to His Majesty's distinguished bounty. But if in addition to his extraordinary power and influence, he be permitted to continue this high style of dignity, it is natural to ask what becomes of the *Establishment* of the Church of England? If the Roman Bishop be recognized as the "Bishop of Quebec," what becomes of that Diocese which His Majesty has solemnly created, and of the Bishop whom he has been graciously pleased to appoint thereto? To authorize the Establishment of two Bishops of the same Diocese, of different religious persuasions would be a solecism in Ecclesiastical Polity, which I believe never took place in the Christian world; to attempt the union of different Churches with the State would be, I hardly conceive, an experiment in the science of Government not less dangerous than novel.

If all that has been thus unwarrantably assumed were permitted to be continued and by such permission were virtually to receive the sanction of His Majesty's Government, it would be an indulgence which (I speak with all humility and deference) would appear to contravene the laws and constitution of our country; it would be to place "the Pope's Bishop (for such he is) above the King's; it would be, in my poor opinion, to do all that can be done to perpetuate the reign of error, and to establish the empire of superstition; and consequently it would be to grant an indulgence to the Canadians more injurious to themselves than even to the English Inhabitants; for whatever would have a tendency gradually to introduce reformation of the Romish Church would be the greatest benefit Canadians could receive.

I intreat Your Excellency not to consider me as under the influence of an intolerant and uncharitable spirit in what I have here advanced: I am indeed attached to the Church of England by principle and not less by experience: Not to insist in this place upon the superior purity of her faith and doctrines, I believe her to be the best friend to the security and happiness, both of the governing and the governed, of any that exists in the world.

It is my bounded duty to watch over her interests. I now make what I intend should be, on my part, a last appeal on her behalf: I have the honour to make that appeal where it can be perfectly judged, and will be candidly accepted. Again disclaiming, therefore, every wish to see the Romish Church deprived of any privilege which can be thought necessary to the complete and liberal toleration of its worship, I do not hesitate to conclude that unless some immediate and effectual remedy be applied to the abuses which have been gradually introduced; unless both the positive and relative situation of the Church of England, in this country, be speedily and radically changed, all reasonable hope of maintaining the *Establishment* of that Church will, in my judgment be irrevocably lost.

The Roman Catholic Religion will be to all intents and purposes the established Religion of the Country; rapidly declining, as it should seem, in other parts of the world, it will not only find a safe asylum here, but be raised to the preeminence and laid upon the broadest and most substantial Basis.

Such, Sir, after long and, I think, unprejudiced reflection, upon this subject is my decided opinion.

I have thought it my duty explicitly to state it. But these observations, as well as the measures that I have ventured to suggest, are submitted, with the utmost deference, to Your Excellency's wisdom: And, with the strongest persuasion that

whatever shall appear to involve the real interests, present and future, of the people committed to your care, will be thought not unworthy of your favourable consideration.

I have the honour to be with highest regard, Sir,
Your Excellency's most obedient and humble servant
J. QUEBEC.

Appendix (A).

Upon a moderate calculation, the Settlers in the new Townships may be estimated at from eleven to fifteen thousand. And when it is considered that there are at the present moment thirteen hundred thousand acres of land actually under Patent, and that probably near two millions more will soon be added, it must be evident that at no very distant period, the Protestants in this Province will outnumber the Papists.

With respect to Upper Canada, I have reason to believe, upon the most respectable authority, that the number of people in that Province is from sixty to eighty thousand, and that there is an annual influx of five hundred Families.

Appendix (B).

I have carefully examined the *Quebec Gazette* from the end of the year 1793, and I do not find any instance in which the *Bishops themselves* have assumed these titles before the publication of the Coadjutor's sermon, in Janry., 1799. In June 1794, indeed, Mr. Gravé, a *Frenchman*, giving an account of the death of Mr. Brian "ancien Evêque de Quebec," a *Frenchman* also, in the *Gazette*, styles him "l'illustrissime et reverendissime Père en Dieu," and Mr. Desjardins, a French Emigré, upon the death of Mr. Hubert, does the same thing. But I am speaking of the open assumption of these titles, and the style of the Diocese by the *Bishops themselves*.

Of French Books advertized, by authority, "à l'usage du Diocèse de Quebec," I find no instance before Sept. 1800, nor of English Books, "for the use of the Diocese of Quebec" before Nov. in the same year. To July 1796 their style was "pour l'usage des Congreganistes," in Feby., 1800, simply "avec approbation."

The annexed extracts (C and D) from the *Quebec Gazette* of the 15th April 1802, and from a supplement of about the same date, will exhibit specimens of the style now in use.

Appendix (C).

Recentement Publié
& à vendre à la Nouvelle Imprimerie
Une Nouvelle Edition

Des Epîtres & Evangiles des Dimanches & Fêtes de l'année, de l'aveint, du Carême et des autres grandes Feries, avec de courtes reflections.

L'Imprimeur a cru devoir se borner à donner ici seulement, l'approbation de sa Grandeur l'Evêque de Quebec pour faire connaitre la merite et l'utilité de ce livre, dont la rareté dans ce pays l'a engagé à entreprendre l'impression à gros frais; Se reposant sur le zèle des Messieurs du Clergé à repandre cet ouvrage parmi les Fidèles pour lui en assurer le debit.

Approbation

de Monseigneur, l'illustrissime & Reverendissime, Pierre Denaut, Evêque de Quebec.

Nous approuvons la presente Edition des Epîtres & Evangiles des Dimanches & Fêtes de l'année avec de courtes reflections. Nous en recommandons la lecture assidue à tous les fidèles de Notre Diocèse. Notre intention est qu'on en fasse usage dans les Ecoles & Catechismes, afin d'accoutumer de bonne heure les enfants de l'Eglise à goûter la celeste nourriture qu'elle leur presente en ce livre divin.

† P. Evêque de Quebec.

Appendix (D).

Le Processional romain à l'usage du diocèse de Québec, avec une méthode de plein-chant, même format pour accompagner le graduel et l'antiphonaine.

Grands Catéchismes à l'usage du Diocèse de Québec, Petits Catéchismes à l'usage du Diocèse de Québec.

An Abridgement of Christian Doctrine for the use of the Diocese of Quebec.

The True Catholic's Companion, containing the Holidays of Obligation throughout the Diocese of Quebec, &c., and an Abridgement of the Douay Catechism.

No. 3.—LORD HOBART TO LIEUT. GOVERNOR MILNES.

(*Canadian Archives, Series Q., Vol. 92, p. 275.*)

DOWNING STREET 9th Jan. 1804.

SIR,—After a full consideration of the important topics discussed in the communication of the Bishop of Quebec, which accompanied your Dispatch No. 65, I have the honour to state to you that, with every disposition to pay due attention to the suggestions of so respectable a character, it has not been judged expedient, under present circumstances, to recommend that any question should be agitated which might tend to excite differences between the heads of the Protestant and Roman Catholic Church, and it is therefore extremely desirable that you should point out to the two Bishops the propriety of abstaining from any acts that might have the effect of producing mutual uneasiness, or of creating any irritation in the minds of the clergy or the persons professing the Religions which they respectively superintend.

It will be highly proper that you should signify to the Catholic Bishop the impropriety of his assuming new Titles, or the exercise of any additional Powers; and it would be right that you should intimate to him that, although no express orders have been issued upon the subject, it is expected that if any such have been recently taken up, that they should not be persevered in.

The French Emigrant Priests should also be reminded that their residence in Canada is only upon sufferance, and it is therefore the more incumbent upon them to observe the utmost circumspection in their Proceedings, as they must be aware the indulgence with which they have been treated by the British Government is liable to be withdrawn if they should render themselves undeserving of it by anything questionable in their conduct.

The advantage of uniting the whole Body of Protestant Dissenters both in Upper and Lower Canada, within the pale of the Church of England, is justly appreciated by the Bishop of Quebec, and it is understood that the Protestants in Lower Canada are confined to the Towns, whilst the Body of the People in the Upper Province, chiefly Protestants, are actually estimated at from sixty to eighty thousand in number, with a large annual influx of Families. A consideration arises with respect to the Policy of fixing the seat of the Protestant Church Establishment, and the Residence of the Bishop in that Province. Upon this point I request to receive your sentiments and those of the Bishop, with whom you will naturally consult.

I am to desire that you will obtain and transmit to me for His Majesty's information, a Return of the Incomes of the Livings in Lower Canada, specifying not merely the nominal salaries, but also, as far as it can be ascertained, a full account of the actual Receipts of the several Incumbents derived from their situations.

I have considered, with the attention it so justly deserves, your Dispatch to the Duke of Portland, of the 1st November, 1800, and should be glad to receive from

you shed additional light upon the points therein adverted to, and particularly how far alteration has taken place in Lower Canada since that period, with respect to the Roman Catholic Clergy.

The plan in contemplation for the Establishment and Endowment of an extensive Institution for the purpose of Education in the higher Branches, and which have been authorized to commence by the erection of Seminaries at Quebec and Montreal, will tend greatly to promote the objects recommended by the Bishop of Quebec.

With respect to the other matters which he represents as highly interesting to the Protestant Church Establishment in Canada, it appears advisable to suspend any determination concerning them until a more favourable opportunity shall arrive.

No. 4.—CONVERSATION, MGR. PLESSIS AND ATTORNEY GENERAL SEWELL.

(*Canadian Archives, Series Q., Vol. 97, p. 175.*)

First Report.

To His Excellency Sir ROBERT SHORE MILNES, Baronet, Lieutenant Governor of the Province of Lower Canada &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY,—

In obedience to your commands, I have the honour to report to Your Excellency the conversation which passed yesterday between the Reverend Mr. Plessis, Titular Roman Catholic Bishop of Carrothe,* and myself, upon the present state of the Church of Rome. With the exception of some few remarks upon indifferent subjects, the dialogue was as follows:—

Plessis. I have lately spoken to the Governor respecting the present situation of our Church, and he has referred me to you on the subject.

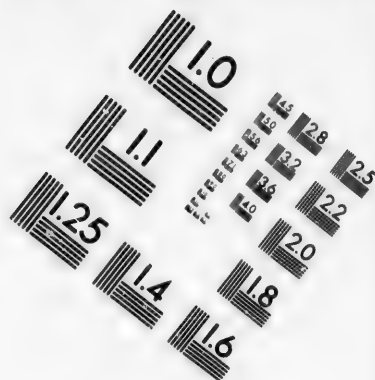
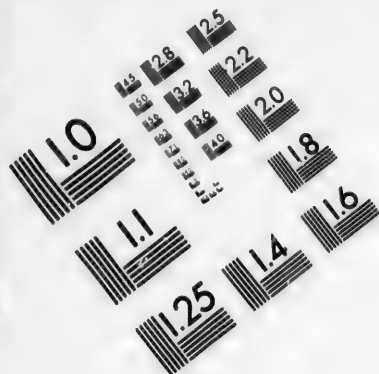
Attorney General. The Governor has given me permission to explain my own private sentiments on the subject to you; what I think you may ask, and I will answer candidly. But before I state what I have to say, let me observe that the object is of the last importance to your Church, and (I admit also) important to the Government. It is highly necessary for you to have the means of protecting your Church, to the Government to have a good understanding with the Ministers of a Church it has acknowledged by the Quebec Act, and at the same time to have them under its controul. Let me also remark that the Government having permitted the free exercise of the Roman Catholic Religion ought, I think, to avow its officers, but not, however, at the expense of the King's Rights or of the Established Church. You cannot expect, nor ever obtain, anything that is inconsistent with the rights of the Crown, nor can the Government ever allow to you what it denies to the Church of England.

Plessis: Your position may be correct. The Governor thinks the Bishops should act under the King's Commission and I see no objection to it.

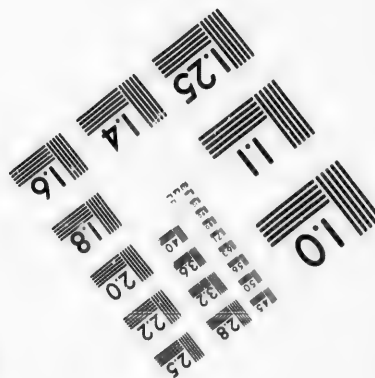
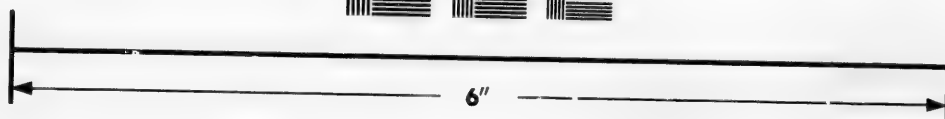
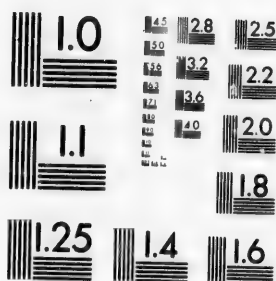
Attorney General. My principle is this, I would not interfere with you in concerns purely spiritual, but in all that is temporal or mixed, I would subject you to the King's authority. There are difficulties, I know, on both sides; on one hand, the Crown will never consent to your emancipation from its power, nor will it ever give you more than the rights of the Church of England, which has grown with the Constitution, and whose power, restrained as it is, is highly serviceable to the general interests of the state; on the other hand, your Bishop will be loth to abandon what he conceives to be his right, I mean particularly the nomination to Cures; yet that he must do so, for no such power is vested in the Bishops of England, and if permitted would be highly dangerous.

* Bishop in *paritibus* of Carrothe in Palestine.





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Plessis. You said *conceives* to be his right; why so?

Attorney General. The statute of the 1st of Eliz., Cap. 1, made for the dominions which the Crown then had, or might thereafter acquire, explains what I mean. But I shall not conceal my opinion: it is that the Bishop has no *power*, and I shall be happy to shew you the grounds of this opinion at a future day, should anything arise out of this conversation.

Plessis. I know the 1st of Eliz., but I confess I did not know that it was extended to the Dominions which the Crown might thereafter acquire.

Attorney General. It certainly is. It was made at the time when England had most reason to be dissatisfied with the Roman Catholic Religion, immediately after the death of Mary:—It provided for the emancipation of all English subjects from the Papal power in all times and places.

Plessis. Had Mary followed the advice of Cardinal Pole, the Statute never would have been passed; she would not then have disgraced herself and her religion by her cruelties.

Attorney General. Whether he influenced her or not, Mary's conduct tended to establish the reformation most firmly, and happily to blend the Church and State of England as they are at present.

Plessis. How are Rectors (*Curés*) appointed in England?

Attorney General. Where the King is patron, and he is of all livings not in the possession of individuals, by title, he presents to the Bishop, who, if there be no legal cause of refusal inducts the Clerk presented. If there be cause, he certifies that cause to the King, and if the King is satisfied he presents another, but if not, a writ issues to the Bishop requiring him to certify his cause of refusal into the King's Courts, who try the merits of the refusal and declare it good or bad according to law; on this footing I would place your Church.

Plessis. The King then would become the Collator to every Benefice. The King of France was to Consistorial Offices, but not to Cures.

Attorney General. He was to many *Curés*, but not to all, because many of his subjects, lay as well as ecclesiastical characters, were the Patrons.

Plessis. The Bishop ought not to be obliged to certify his cause of refusal. In France, where the Patron was a layman, he was bound to present five Clerks successively before the Bishop was obliged to give any reason for refusing them. When the sixth was presented, he was bound to assign the cause of his refusal. If the Patron was an ecclesiastic, he shewed cause on the presentation of the third.

Attorney General. Neither of these rules extended to the King. I think I can shew you that to your satisfaction. It would not be decent to refuse the presentation of the Sovereign, without cause, nor ought a Bishop ever to be ashamed of assigning the reason of his refusal in any case.

Plessis. Presentation by the Crown agrees with the tenets of the Church of England, but not with ours. It would be against our spiritual duty. Bishops in France have always presented to the livings in their dioceses—in the late concordat between the Sovereign Pontiff and Bonaparte, their right to present is recognized.

Attorney General. As to Bonaparte and the Pope I will say nothing,—except that the former (thank God) is no example to us. But I formally deny that it is contrary to receive a presentation from the Crown. It was the daily practice in France with respect not only to the Crown but even to private patrons of all descriptions. I am no Catholic, but my professional duty has led me to weigh well this objection according to your own principles. My answer is very short:—The Bishop ordains in the first instance, which qualifies the character for the living:—the Prelate and not the Crown makes the *Priest*: the Crown selects only from your own Priesthood the person whom it thinks fit for the Appointment, and if there be no cause of repeal the Bishop invests him with everything necessary to enable him to perform the functions of his Cure. The reciprocal selection of the person by the Bishop in the first instance for the Priesthood and of the Crown for the living in the second instance preserves a just balance between both.

Plessis. In our Church some orders qualify the individual to say Mass, others confess, others formal.

Attorney General. I beg leave to interrupt you. When the Crown presents a person not admitted to orders sufficient for the appointment to which he is nominated, the Bishop has legal cause to refuse.

Plessis. If the King presents in all cases, the Bishop will never have a chance of advancing a faithful pastor.

Attorney General. The Bishop once acknowledged the *head of his department* will be that in fact. You know the *attention* that ever has been and ever will be paid to the *heads* of departments in our Government. The Bishop's representation to the Government in such a case would secure the promotion of the person he wished to promote.

Plessis. Your Bishop has certainly greater power. The *Gazette* lately informed us that he had presented Mr. Rudd to a living at William Henry.

Attorney General. The *Gazette* is certainly the King's paper, and its contents generally to be relied on, and that in this instance is the case. Mr. Rudd has been appointed to William Henry, but it was the Governor, and not the Bishop, who presented him. Be assured that all livings in the Church of England in this Province are in the King's gift.

Plessis. Governors do not always pay attention to the recommendations which they receive. I remember Chief Justice Osgoode complained heavily, that Mr. Perrault had been appointed Prothonotary of the King's Bench, contrary to his recommendation.

Attorney General. Mr. Osgoode's complaint confirms what I say. The conduct observed toward him was an exception to the general rule, and therefore he complained.

Plessis. Our general Church Government is aristocratic, but the Government of a Bishop is monarchical. He has the power of enacting *Reglemens* which must be obeyed. You will not probably admit this position.

Attorney General. The power of a Bishop extends to a forcing by his *Reglemens* the general principles of Government adopted by the Church. He cannot legislate, he can only enforce obedience to what is already enacted, to the Canons and to the Municipal laws of the Country.

Plessis. That is true, but our Canons are different, materially different from yours.

Attorney General. I cannot admit that. It was enacted in the Reign of our Henry the 8th that the Canons then in force and not repugnant to the principles of the reformation should continue in force until a review of them should be made, which never has been accomplished, so that the Church of England is now governed by the Canons in force prior to the reformation, which form the greater and most essential part of the Canons which govern the Church of Rome.

Plessis. You state incorrectly; your Church, for instance, does not acknowledge the Canons enacted by the Council of Trent.

Attorney General. The Gallican Church certainly does not.

Plessis. Yet the Canons of the Council of Trent certainly were in force in France.

Attorney General. Yes, the greater part, but that was because the Kings of France enacted them in their Ordinances. On this head, you cannot suffer, for those Ordinances are at this moment component parts of the Municipal law of Canada.

Plessis. I once saw in the hands of Mr. Ryland (the Governor's Secretary) the King's Instructions, in which it is said that no priest shall be removed from his cure, unless he has been previously convicted, in some of His Majesty's Courts, of felony. There may be many instances, in which a priest ought to be removed, who has not been guilty of felony. The difficulties would be less if the Bishop had a jurisdiction over his Clergy an "*officialité*," which, perhaps, never would be granted.

Attorney General. I have already requested you to understand that in all I say I speak my own private sentiments and no more. With this remark, I have no hesitation to say that the Government ought in policy to give the Bishop a jurisdiction

over his Clergy, subject always to the controlling power of the King's Bench, and to the operation of the Writs of Prohibition and Appeal. The Court of the Bishops in England are subject to the King's Bench.

Plessis. If the Writ of Prohibition is similar to the "Appel comme d'Abus," in France, not a shadow of authority will remain to the Bishop. Every act of a Bishop was ultimately held in France abuse of his authority and constantly set aside in the Parliaments.

Attorney General. The Writ of Prohibition is very different from the "Appel comme d'Abus." By that all questions were reexamined as well in fact as in law. The Writ of Prohibition is a Prerogative Writ issued out of the King's Bench to prevent the ecclesiastical and other inferior courts from proceeding in causes instituted before them in which they have no jurisdiction or in which they proceed contrary to law. To what Court the Appeal should be is a subject for consideration.

Plessis. You know that all Curés at present are removable at the pleasure of the Bishop. In the first establishment of this Colony it was otherwise, but afterwards upon the erection of the Seminary of Quebec, Monseigneur De la Val got it fixed as it is at present. If the King presents, the Curé ought to be removable at the Bishop's pleasure.

Attorney General. I think very different. The spirit of the Colonial Institution, grants every office during pleasure nominally, but that pleasure is well known to continue during good behaviour, and a rector in England is removable only for his conduct. It seems expedient to me, that a Curé should know his parishioners well and consider himself as fixed among them. In times of difficulty a Curé long resident with his flock can guide them better than a new comer. Mutual confidence is not the result of a short and transitory acquaintance; and without that nothing effectual can be done by the pastor at such a moment. I will tell you also frankly that Curés dependent upon the will of the Bishop, would be little subject to the controul of Government. If this was the case, the situation of the Curé would not be enviable, nor could you expect that the better class of people would educate their sons for the Church. Your Court of the Bishop would be perfectly unnecessary, and the presentation of the Crown an idle ceremony, if the Bishop could afterwards remove when he pleased.

Plessis. The situation of a Curé under such restriction would be better then, than the situation of the Bishops of Canada at present. For myself, I have enough, I am in a cure which gives me all I want, but Bishop Denaud is in poverty, holding a living and acting as a parish priest, in direct contradiction to the Canons.

Attorney General. My mind upon that subject is completely made up. The Government recognizes your religion and making its officers officers of the Crown, should provide for them as for all others. The Bishop should have enough to enable him to live in a splendour suited to his rank, and the coadjutor a salary in proportion.

Plessis. I do not want to see the Bishop in splendour, but I wish to see him above want. I do not wish to see him in the Legislative or Executive Council, but as an ecclesiastic only, entitled to the rank which is due to him in society.

Attorney General. When I said splendour, I qualified the expression, by calling it "a splendour suited to his rank." I mean by that, that his income should be that of a gentleman, and equal to a proper expenditure. There is in fact no such thing as splendour in Canada.

Plessis. We mean the same thing. But there is a great delicacy in this matter. If the Bishop was pensioned and relinquished the right of nominating the Curés, the public would not hesitate to say that he had sold his Church.

Attorney General. To stop the public clamour is a useless attempt. If matters of State were to be staid for fear of popular abuse, Government would be able to do but very little; the governed but seldom approve. In our instance, if the matter is viewed as it ought to be viewed, the world must be satisfied that, instead of relinquishing a right you have in fact never to relinquish, you abandon the shadow

and receive the substance; surely, this is sufficient answer to any vulgar declamation against a Bishop who makes terms highly advantageous to his Church and must be satisfactory to himself.

Plessis. I don't know; it is his affair.

Attorney General. There is one idea which I wish to suggest. If you ever mean to fix the officers of your Church upon any footing, this is the moment. The present Lieut. Governor is a gentleman of most liberal principles, he has been long enough in the country to know all that relates to it, is well disposed to serve you, and is on the point of going to England where this matter must be settled.

Plessis. I am well aware of all this. Whatever is to be done must be done now.

Attorney General. If I say what I ought not to say, you will excuse me, but I feel convinced that if you forego this opportunity, it will never return. It is your interest to avail yourself of the present moment, and make the best terms you can.

Plessis. You cannot say anything which can either hurt or offend me. I consider this a free conversation on both sides, for effecting a very important object, which, without an unreserved communication, can never be effected.

Attorney General. I will not take up any more of your time at this moment.

Plessis. I am much obliged by the time you have bestowed on me. Something must be done, and tho' we may differ in the detail, I think we shall not in the outline, and if we do differ we must be temperate, and in that case we shall ultimately agree. I am, however, a subordinate officer, I must first write to the Bishop, and when I know his sentiments I will wait upon you.

Attorney General. Do so, but pray keep in mind what I have said, that you never can obtain anything inconsistent with the prerogatives of the Crown, nor at all events any right that a Bishop of the Church of England does not possess.

All which is most respectfully submitted by, Sir,

Your Excellency's most obedient and most humble servant,

J. SEWELL,

Atty. General, Lower Canada.

QUEBEC 26 April 1805.

Second Report.

To His Excellency Sir ROBERT SHORE MILNES, Baronet, Lieut. Governor of the Province of Lower Canada &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY,—

I have the honour, in obedience to your commands, to report to Your Excellency the substance of the conversation which passed between Mr. Plessis, the titular Roman Catholic Bishop of Carrothe and myself on the 21st inst.

He entered at first into a general view of the state of the Roman Catholic Church in this Province, its toleration by law, under the Capitulation and the Quebec Act, and the assistance afforded to its support by this, inferring from thence that it was an established religion, and consequently that the Crown ought not only to recognize its officers, but to invest them with all the powers to which they had formerly been entitled under the Government of France. In answer to this I briefly observed that things were so much changed since that period, by the introduction of a Protestant Government, that no idea of the kind could be entertained for a moment. I recalled to his recollection what I had said in our first conversation, respecting the Church of England, and asked if he conceived it possible for the Roman Catholic Church to obtain what was denied to the National Establishment, intimating to him at the same time that he ought to be contented with much less.

In the further progress of our conversation he entered into a specific enumeration of what the members of the Church thought themselves entitled to, and I shall

detail his demands with my answers, generally, but as accurately, and at the same time as distinctly as I can. Our Dialogue was too long to admit an attempt on my part to relate it more particularly.

1st. "That the Bishop should be created a Corporation by some title which would distinguish him from the Protestant Lord Bishop of Quebec."

To this I answered, That there was no Catholic Bishop of Quebec, nor could the Government, in my opinion, recognize such a character, without an Act of the Imperial Parliament. That a Superintendent of the Roman Catholic Church might be appointed, and an Assistant Superintendent, with such salary, rank and precedence as the Crown might think fit to grant, and that such titles would sufficiently distinguish them from the said Bishop of Quebec. That they would be civil officers of the Crown, and might take in silence from the Pope such ecclesiastical qualifications as in conscience they might require to enable them to execute the duties of their Ministry. That I could say nothing about their corporate capacity, but conceived that their offices, like all other Colonial appointments, would be held during pleasure.

2ndly. "That the Bishop should appoint his own Grand Vicaires and Subordinate Officers."

To this I answered that I saw no material objection, provided it was done in each instance with the approbation of the Governor, and that the appointments were for spiritual purposes only. That the Lord Bishop of Quebec was authorized by Letters Patent to appoint his Commissaries, but that it was a point of importance which would require consideration.

3rdly. "That the Bishop should have an Ecclesiastical Court for the Government of his Clergy."

Upon this head, I referred him to our first conversation, adding that my opinion was still the same,—That Government ought in policy to give the Bishop a Jurisdiction over his Clergy, subject to the controuling power of the King's Bench, by the Writ of Prohibition &c. and to the revision of his Sentences by Writ of Appeal.

4. "That the Bishop should have authority to superintend and direct the administration of the revenues of the religious Communities."

To this I answered, That the revenues of the religious Communautés, so long as they remained, was their own. That their submission to the Bishop as their spiritual director, would very nearly effect all that he could desire. But I requested him at the same time to observe, that no arrangement which he might make with the Executive Government could change the law in this respect,—That the King was legally the visitor of every *communauté*, and if he thought proper to delegate his authority to the Bishop, that it must necessarily be exercised subject to his controul, in such way as he might see fit to appoint. I added that I saw no objection to its being so delegated.

5thly. "That the Bishop should be empowered to regulate the fees to be received by Curés upon Baptisms, Marriages, Funerals" &c.

To this I answered that by the Edict of 1695, the Bishops of France had been authorized to fix the fees to be taken by Curés upon the celebration of Marriage &c. notwithstanding the Ordinance of Blois, but that this Edict had been enacted subsequent to the establishment of the Sovereign Council of Quebec, and not being enregistered by that Council was not in force in Canada. That by the Ordonnance de Blois it was enacted that the usage of each particular parish should decide the quantum of fees to be taken in such cases by the curé, and that this was the law of Canada upon this subject at present, as the Ordonnance de Blois had been enacted before the establishment of the Sovereign Council, and was a part of the system with which the first Colonists emigrated from France. That it was not in the power of the Executive Government to change the law in this respect.

6. "That the Bishop should finally audit and controul the accounts of all moneys expended in the building and reparation of Churches and parsonage houses" &c.

I answered that all contestations respecting the building and reparation of Churches &c. were by law cognizable in the King's Courts, and that they in my

opinion were the proper *final* auditors of all accounts of moneys so expended. That such expenditures were in fact taxes levied upon the parishioners for their use, under the authority of the Civil Law of the Province, and that the syndics of every parish were, in my opinion, answerable to the Parish in an Action of Account for every penny that came to their hands either for building or reparation. That I did not therefore see how such a power could be vested in the Bishop by grant from the Crown.

7. "That the Bishop should retain the nomination to livings, but not present without the concurrence of the Governor."

I answered that this was impossible. That the nomination and presentation must remain in the Crown exclusively.

8thly. "That livings should not be permanent but held during pleasure."

I answered, by referring him to what I had said upon this point at our first interview. That nominally a living should be held during pleasure, which should continue unquestionably, during good behaviour.

9. "That the Bishop should have two or more Coadjutors."

I answered that one was sufficient and he could not expect more.

10. "That the Salary or Pension to the Bishop should be £1500 and to the Coadjutor £750 *per ann.*"

I answered, That upon this point I could not say anything, but that I had every reason to presume that Government would be liberal.

11. "That the School Act should be reversed and the Superintendence of Protestant Schools vested in the Lord Bishop of Quebec, and the superintendence of Catholic Schools in the Catholic Bishop of Quebec."

I answered very briefly that this was impossible.

12. "That the Bishop should be empowered to erect parishes."

To this I answered, That the right of erecting parishes was clearly vested in the Crown exclusively, which was an authority common to the Church of England and the Church of Rome. That parishes were certainly ecclesiastical divisions of the Province, but there was an absolute necessity that every circuit of land which became a parish should be and remain forever a parish as to both Churches, much civil matter being engrafted upon them which had equal relation to both. That the power of dividing the Province into Parishes for the service even of the Established Church not being vested in the Lord Bishop of Quebec could not be granted to the Titular Catholic Bishop.

All which, nevertheless, is most respectfully submitted by, Sir,
Your Excellency's most obedient and most humble servant

J. SEWELL

QUEBEC, May 1805.

Attorney General.

No. 5.—LIEUT. GOVERNOR MILNES TO LORD CAMDEN.

(*Canadian Archives, Series Q., Vol. 98, p. 5.*)

QUEBEC 27th July 1805

MY LORD,—It is with the highest satisfaction that previous to my departure from Quebec, I am enabled to transmit to Your Lordship the Petition of Mr. Denaut to His Majesty which I have the honour to enclose, and which I flatter myself will give an opening to the final arrangement of those objects with regard to the Roman Catholic Clergy which I have had in view for several years past, and had the honour to submit to Your Lordship's consideration in my dispatch No. 28.

I feel myself called upon in justice to Mr. Denaut to state to Your Lordship that I have found him uniformly candid and open in the course of several conversations we have had on this subject, and I believe there is no man more truly attached to the Government than he is.

Your Lordship will observe that in signing the inclosed Petition to His Majesty, Mr. Denaut styles himself "Bishop of the Roman Catholic Church," and prays that he may be formally acknowledged as "Bishop of the Roman Catholic Church of

Quebec," a title by which he is not acknowledged in the King's Instructions to the Governor where he is only called Superintendent of the Romish Church.

But, though the title is not allowed by the Instructions, it has always been used in courtesy, except in official letters from the Governor, and Mons. Denaut, as well as his Predecessors, has usually been addressed by the Title of Monseigneur, not only by the society in general but also by the Persons administering the Government. I have endeavoured to make M. Denaut understand the due distinction, but as he has always been in the habit of signing as Bishop of Quebec, I did not insist on a different signature from the present, being unwilling on this occasion to hurt the feelings of a man of his advanced age who has in this instance conducted himself with so much propriety.

(Original.)

Enclosed.

(p. 8.)

REQUÊTE DE MGR. DENAUT AU ROY.

A Son Très Excellente Majesté du Roi. L'humble Requête de Pierre Denaut Evêque de l'Eglise Catholique Romaine,

Lequel prend la liberté de s'approcher du Trône de Votre Majesté pour lui rendre très respectueusement.

Que la Religion Catholique Romaine ayant été introduite en Canada avec ses premiers Colons, sous l'ancien Gouvernement de France, l'Evêché de Québec fut érigé en mil six cent soixante-quatre, et a été successivement rempli par des Evêques, dont le sixième est mort en mil sept cent soixante, époque de la Conquête de ce pays par les armes de Votre Majesté.

Que depuis cette date, les Catholiques, qui forment plus de dix-neuf vingtièmes de la population de Votre Province du Bas Canada, ont continué, par la Bonté de Votre Majesté, d'avoir des Evêques, lesquels, après le serment d'Allegiance, prêt entre les mains des Représentants de Votre Majesté en cette Province en Conseil, ont toujours exercé leurs fonctions avec la permission de Votre Majesté et sous la Protection de différens Gouverneurs, qu'il a plu à Votre Majesté d'établir pour l'administration de cette Province, et que votre suppliant est le quatrième Evêque qui conduit cette Eglise, depuis que le Canada est heureusement passé à la Couronne de la Grande Bretagne.

Que l'extension prodigieuse de cette Province, et l'accroissement rapide de sa population exigent plus que jamais que l'Evêque Catholique soit revêtu de tels droits et Dignité, que Votre Majesté trouvera convenable pour conduire et contenir le Clergé et le Peuple, et pour imprimer plus fortement dans les esprits ces principes d'attachement et de Loyauté envers leur Souverain et d'obéissance aux Loix, dont les Evêques de ce Pays ont constamment et hautement fait profession.

Que cependant, ni votre suppliant qui conduit depuis huit ans cette Eglise, ni ses prédécesseurs depuis la Conquête, ni les Curés des Paroisses, n'ont eu de la part de Votre Majesté, cette autorisation spéciale, dont ils ont souvent senti le besoin, pour prévenir les doutes qui pourroient s'élever dans les Cours de Justice, touchant l'exercice de leurs fonctions civils.

Ce considéré, qu'il plaise à Votre Majesté de permettre que votre suppliant approche de Votre Majesté, et la prie très humblement de donner tels Ordres et Instructions, que dans sa sagesse Royale, Elle estimera nécessaires, pour que Votre suppliant et ses successeurs soient civilement reconnu comme Evêques de l'Eglise Catholique Romaine de Québec, et jouissent de telles prerogatives, droits et émolumens temporel que Votre Majesté voudra gracieusement attacher à cette Dignité.

Pour plus amples détails votre suppliant prie Votre Majesté de s'en rapporter aux informations que Son Excellence Sir Robert Shore Milnes Baronet le Lieutenant Gouverneur de Votre Majesté en cette Province veut bien se charger de donner à Votre Majesté.

Et Votre Suppliant continuera d'adresser au Ciel les vœux les plus ardens pour la prospérité de Votre Gracieuse Majesté de son Auguste Famille et de son Empire.

PIERRE DENAUT

Evêque de l'Eglise Catholique Romaine.

QUÉBEC, 18 juillet 1805.

As my departure from Quebec is fixed for the beginning of next month, the multiplicity of Business which arises at this moment will not allow me sufficient time to enter at length into every particular relating to this most interesting subject which includes so many various points of consideration, I shall therefore defer troubling Your Lordship any further at present in the hope of being allowed to lay them personally before you, or, if Your Lordship should permit me, to furnish you on my arrival in England with such statements as Your Lordship may desire to have.

I have the honour to be, My Lord,
Your Lordship's most obedient and most humble servant
ROBT. S. MILNES.

(Translation.)

PETITION OF MGR. DENAUT TO THE KING.

To His Most Excellent Majesty the King, the humble petition of Pierre Denaut, Bishop of the Roman Catholic Church,

Who takes the liberty to approach Your Majesty's Throne to represent most respectfully,

That the Roman Catholic Religion having been introduced into Canada with its first settlers, under the former Government of France, the Bishopric of Quebec was erected in sixteen hundred and sixty-four, and has been successively filled by Bishops, of whom the sixth died in seventeen hundred and sixty, the date of the conquest of this country by Your Majesty's arms.

That since that date, the Catholics, who form upwards of nineteen twentieths of the population of your Province of Lower Canada, have continued, by Your Majesty's goodness, who, after taking the oath of allegiance before Your Majesty's representatives in this Province in Council, have always exercised their functions with Your Majesty's permission and under the protection of different Governors, whom it has pleased Your Majesty to appoint for the administration of this Province, and that your petitioner is the fourth Bishop who directs this Church, since Canada happily passed to the Crown of Great Britain.

That the prodigious extension of this Province and the rapid increase of its population require more than ever that the Catholic Bishop should be invested with such rights and dignity, as Your Majesty may think suitable to direct and rule the Clergy and the people, and to impress more strongly on their minds these principles of attachment and loyalty towards their Sovereign and of obedience to the laws, which the Bishops of this country have constantly and strongly professed.

That nevertheless neither your petitioner, who for eight years has guided this Church, nor his predecessors from the Conquest, nor the rectors of parishes, have had from Your Majesty that special authorisation, of which they have frequently felt the need, to prevent the doubts which might arise in the Courts of Justice in respect to the exercise of their civil functions.

Wherefore may it please Your Majesty to permit your petitioner to approach Your Majesty, and to pray him humbly to give such orders and instructions, as in his royal wisdom he may deem necessary, that your petitioner and his successors be civilly recognised as Bishops of the Roman Catholic Church of Quebec and enjoy such prerogatives, rights and temporal emoluments as Your Majesty shall graciously attach to that dignity.

For fuller details, your petitioner prays Your Majesty to refer to the information which His Excellency Sir Robert Shore Milnes, Baronet, Your Majesty's Lieutenant Governor may undertake to give to Your Majesty.

And your petitioner shall continue to address to Heaven the most ardent prayers for the prosperity of Your Gracious Majesty, of his august family and of his Empire.

PIERRE DENAUT
Bishop of the Roman Catholic Church.

NOTE D.

POLITICAL STATE OF UPPER CANADA IN 1806-7.

No. 1.—ALEXANDER GRANT, PRESIDENT, TO LORD CASTLEREAGH.

(*Canadian Archives, Series Q., Vol. 304, p. 10.*)

(No. 14.)

YORK, UPPER CANADA 14th March, 1806.

MY LORD,—It will be necessary for me to submit a short statement of the Revenue of this Province for the better understanding the purport of an address of the House of Assembly and the schedule of Accounts to which it refers, with my answer thereto, which I have now the honour to transmit to your Lordship.

The Revenue of this Province arises in part from certain Duties, which previous to the eighteenth year of His Majesty's Reign, had been imposed on the Province of Quebec by the authority of the British Parliament, and partly from Taxes and Duties imposed by the Legislature of this Province, together with an eighth part of the Duties laid on Goods imported into Lower Canada under the authority of its Legislature by virtue of an agreement between the two Provinces.

From the establishment of this Province to the year 1803, the Taxes and Duties imposed by its Legislature, together with the eighth part of the Duties above mentioned, amounting to about three thousand Pounds annually, were considered as solely at the disposal of the Parliament of this Province, and were, for the greater part, from year to year, appropriated by it for specific purposes within the same, the Residue of such Taxes and Duties remaining in the hands of the Receiver General, subject to future appropriations by the same authority.

In 1803, by direction of Lieutenant Governor Hunter, accounts of a nature similar to those stated in the before mentioned schedule (being expenses incidental to the administration of Justice and the Civil Government of the Province) were charged against and paid out of the Residue in the hands of the Receiver General, without any appropriation by the Legislature of the Province for that purpose.

For two years such charges were laid before that Legislature, and no complaint was made for the want of Parliamentary appropriation of the above mentioned Residue. When the Administration of the Government of this Province devolved on me, confiding in the Judgment and Ability of Lieutenant Governor Hunter, I did not feel myself at Liberty, in my Temporary situation, to discontinue what he had authorized.

In what manner the House of Assembly considered this matter at the last session of the Legislature, the address sufficiently indicates; the answer given by me to that address was, to the best of my judgment, suited to the occasion.

The Language of that address is intemperate, especially when the Bounty of Great Britain to this Province is taken into consideration. But I should be sorry if your Lordship supposed that the Members of the House of Assembly for the greater part are inimical to the measures of Government, they wish to do what is right, but sequestered from the World, and some of them not having had the benefit of a Liberal Education, they are ready to be too easily influenced by the persuasion of others who, by their means, endeavour to perplex, if not to distress, the administration of the Government of this Province.

I must, however, respecting the subject of the address, candidly confess, and since the prorogation of the Legislature, I have taken every means to be informed, that I cannot discover any authority by which the Governor, Lieutenant Governor, or person administering the Government, possesses the power of appropriating to

specific purposes any part of the Revenue raised for this Province by the Acts of its Legislature, without the assent of that Legislature to such appropriation. I therefore cannot help offering it to your Lordship, after the best consideration that I am able to give this subject, as my opinion, that matters should be put on the same footing as they were, from the establishment of the Province to the year 1803, and that the items of expenditure charged in the year 1805, mentioned in the address of the House of Assembly, and stated in the schedule, should be withdrawn as charges against the Taxes and Duties imposed by Provincial authority; this would give complete satisfaction, and I have little doubt, but that in such case, as in Lower Canada, the Legislature would appropriate a sum, according to its abilities, for the support of the Civil Government of this Province, out of the Revenue which is raised by its authority: I make this observation with the greater confidence, as One hundred Pounds Currency has last Session of the Legislature been appropriated out of the Revenue for the payment of the Salaries due to the Sheriffs of the Eastern and Western Districts of this Province, which salaries were not, nor ever had been, charged against that Revenue in the Public accounts.

I will, as soon as they can be prepared, transmit to your Lordship, the Acts passed in the last Session of this Legislature.

I have the Honour to be,

My Lord,

With every sentiment of obedience and Respect,

Your Lordship's most obedient and Most Humble Servant,

ALXR. GRANT, *President*,

Administering the Province of Upper Canada.

No. 2.—ADDRESS OF THE LEGISLATIVE ASSEMBLY OF UPPER CANADA.

(Page 15, enclosed in *President Grant's letter*, p. 10.)

To His Honour, ALEXANDER GRANT Esquire, President, Administering the Government of the Province of Upper Canada &c. &c. &c.

MAY IT PLEASE YOUR HONOUR,—

We His Majesty's most dutiful and loyal subjects the Commons of Upper Canada in Parliament assembled, have, conformably to our early assurance to your Honour, taken into consideration the Public Accounts of the Province; and have, on a due investigation of the same, to represent to you the first and most constitutional privilege of the Commons has been violated in the application of Moneys out of the Provincial Treasury to various purposes, without the assent of Parliament or a vote of the Commons House of Assembly.

To comment on this departure from constituted authority and fiscal establishment must be more than painful to all who appreciate the advantages of our happy constitution; and who wish their continuance to the latest posterity: but however studious we may be to refrain from Stricture, we cannot suppress the mixed emotion of our relative condition. We feel it as the representatives of a free people. We lament it as the subjects of a beneficent Sovereign, and we hope that you in your relations to both will more than sympathize in so extraordinary an occurrence.

We beg leave to annex hereto a schedule of the Moneys so misapplied, amounting to Six hundred and seventeen Pounds, thirteen shillings and seven pence, and we trust that you will not only order the sum to be replaced in the Provincial Treasury, but will also direct that no moneys be issued thereout in future without the assent of Parliament, or a vote of the Commons House of Assembly.

ALEX. McDONELL,
Speaker.

Commons House of
Assembly March 1st
1806

SCHEDULE of Moneys paid out of the Provincial Treasury in the year ending in February 1806, without the Consent of Parliament or a vote of the Commons House of Assembly.

Mr. John Bennett Government Printer being the amount of his salary as Government Printer and the Rent of an office from the 1st January to the 30th June, 1805 inclusive.....	£50	0	0
Mr. Hugh McLean being his half yearly allowance as Usher of the Court of King's Bench from 1st January to 30th June 1805 inclusive.....	5	0	0
Mr. Isaac Pilkington being his half yearly allowance as Keeper of the Court of King's Bench from 1st January to 30th June 1805 inclusive.....	5	0	0
Mr. John Bennett Government Printer being the amount of his account for Printing Proclamation, Licences and Laws of the first session of the 4th Provincial Parliament of this Province and Publications in the <i>Gazette</i> &c between the 1st January and 30th June 1805 inclusive.....	63	5	10
William Jarvis Esq, Secretary of the Province, being the amount of his Fees in divers public Instruments &c between the 1st January and 30th June 1805 inclusive.....	38	4	0
David Burnes Esquire clerk of the Crown and Pleas equal to £8 sterling being the amount of his contingent account between the 1st January and 30th June inclusive.....	8	17	9½
William Jarvis Esquire, Register of the Province being the amount of his Fees on divers public Instruments &c. between the 1st January and the 30th June 1805 inclusive.....	4	15	9
Thomas Scott Esquire Attorney General equal to £32.4 sterling being the amount of his contingent account between the 1st January and 30th June 1805 inclusive.....	35	15	6½
William Samuel Curry, Esquire, Administrator to the Estate of the late Lieut. Governor Peter Hunter Esquire—Being the amount of Fees on divers public Instruments due to the said late Lieutenant Governor Peter Hunter Esquire from the 1st January to the 30th June 1805 inclusive.....	42	0	0
Mr. John Bennett Government Printer. Being the amount of his Salary as Government Printer and the Rent of an Office from 1st July to 31st December 1805 inclusive.....	50	0	0
Mr. Hugh McLean. Being his half yearly allowance as Usher of the Court of King's Bench from the 1st July to 31st December, 1805 inclusive.....	5	0	0
Mr. Isaac Pilkington. Being his half yearly allowance as Keeper of the Court of King's Bench, from the 1st July to the 31st December 1805 inclusive.....	5	0	0
Mr. John Bennett Government Printer being the amount of his account for printing Notices, Licences, Money Warrants, Proclamations and Bonds between the 1st July & the 31st December 1805 inclusive.....	11	15	0

D'Arcy Boulton Esquire Solicitor General, equal to £30 18s Sterling. Being the amount of his Contingent account, from the 1st July to the 31st December 1805 inclusive.....	34	6	8
William Jarvis Esquire Secretary of the Province, Being the amount of his Fees on divers public Instruments between the 1st July and the 31st December 1805 inclusive.....	43	11	0
William Samuel Curry Esquire, Administrator to the Estate of the late Lieutenant Governor Peter Hunter Esquire. Being the amount of fees on divers public Instruments due to the said Lieutenant Governor from the 1st July to the 31st of August 1805... (21st?)	70	0	0
William Jarvis Esquire, Register of the Province, Being the amount of his Fees on divers public Instruments between the 1st July and the 31st December 1805 inclusive.....	7	4	3
William Allan Esquire. Being the amount of Fees on divers public Instruments due to Mr. President Grant between the 11th September and the 31st December 1805 inclusive.....	24	0	0
Thomas Scott Esquire, Attorney General, equal to £86.6 Sterling. Being the amount of his Contingent account between the 1st July and the 31st December 1805 inclusive.....	95	17	94
Mr. William Smith. Being for materials furnished and repairs made to the Passage of Communication between the two Houses of the Legislature.	18	0	0
	<u>£617</u>	<u>13</u>	<u>7</u>

No. 3.—ANSWER BY PRESIDENT GRANT.

(Page 20, enclosed in President Grant's letter, p. 10.)

Gentlemen of the Commons House of Assembly.

I learn with Regret from your Address of the 1st of March, that a Degree of Dissatisfaction prevails in the Commons House of Assembly, with respect to the application of a Sum of Money, stated to amount to Six hundred and seventeen Pounds, thirteen shillings and seven pence. At the time of my accession to the Administration of the Government, I found that various Items, similar to those in the Schedule accompanying your Address, had been charged against the Provincial Revenue, and acquiesced in for two years preceding, and I directed the usual mode to be followed in making up the accounts which I ordered to be laid before you during the present Session. The money in Question has been undoubtedly applied to purposes useful and necessary for the general concerns of the Province. As I am however desirous to give every reasonable satisfaction to the House of Assembly, I shall direct the matter to be immediately investigated, and if there has been error in stating the Accounts, take measures to have it corrected and obviated for the time to come.

YORK, UPPER CANADA
3rd March 1806.

ALEX. GRANT.

No. 4.—MEMORANDUM ON ASSEMBLY'S ADDRESS.

*(Canadian Archives, Series Q., Vol. 304, p. 22.)**Upper Canada.*

Upon the accession of Mr. Grant to the Chair of the Council, and the administration of the Government upon the death of the Lieutenant Governor General Hunter, he put himself into the hands of the confidential friends of the deceased, and swerved from no rule practiced upon during his life. There is an annual for carrying into effect the Gao! delivery throughout the Province which has usually been paid by the Governor's warrant on the Receiver General, and by him accounted for to the Legislature without any previous appropriation. I believe it has been usual to charge the Contingencies of the Governor's Office, Proclamations, Opinions, &c., to another account controlled only by the Treasury. The General had been advised to a measure of some delicacy, to force patentees to come forward and pay for their patents. This measure had occasioned a sensation so lively throughout the Province that it was thought expedient immediately after the death of General Hunter, to modify or depart entirely from its execution. Under such circumstances, it was doubtless imprudent to call upon the Assembly for payment of the charge incurred in the abortive proceeding; but the friends of General Hunter thought proper to keep the transaction out of view, and warrants were granted by Mr. President Grant, for the payment of these sums, precisely as it had been usual to grant them for defraying the charge of carrying Justice into the District; had they not been blended, I apprehend, no exception would have been taken to the irregularity, or want of a specific appropriation for the service of the Colony. But unfortunately, war had been declared by one part of his Majesty's Servants against the other, and this indiscretion was seized upon as a means of annoyance. The Terms of the address occasioned Indignation among some, and alarm among others, of the president's friends, when neither was necessary. Mr. Atty. Gen. called upon me with the address and proposed answer. The latter was weak and wavering, where it should have been manly and firm, and *e contra* was peremptory and pledged the Government on a point out of its control. I remarked these errors to Mr. Attorney who acquiesced, and urged me to give him, on paper, my Idea of the proper answer. I did so, but to my great surprise learned that it had been overruled, and the President sent the answer, which occasions the Doors of the House to be shut against the usher when he came to summon its attendance on the Chair for prorogation. I took the liberty to observe to Mr. Atty. Gen., that the Executive Government should never be permitted to descend from its elevation to equivocate with the Commons; that if error had been committed, it should be frankly acknowledged, but by way of cure they should never resort to promise, or even Insinuation of address (redress?) which they could not absolutely command; upon this principle, I condemned the hesitation to admit the facts, which they knew to have been truly stated by the Commons and that they should have pledged themselves to refund, having as little right to appropriate the moneys of Great Britain as of the Colony, without authority. I therefore gave him a draft, the substance of which accompanies this, and I recommended to the consideration of the Administration, one plain Rule of Conduct, always to examine how every Proposition may affect the prerogative of the Crown, or the welfare of the Mother Country, and, then, how to give it effect, with the least Injury to the real Good, the feelings and prejudices of the Colonist. I have reason to suppose that had my advice been adopted, the president would have gained a victory, for in talking over the business with some of the Members after prorogation, they assured me that a large majority would have voted not only the requisite contingent, but thanks to the president for his candour and prudent counsel; and Mr. Gore would have been saved the perplexity entailed on him by leaving the subject open to controversy at the present session.

W. D. P.

(William Dummer Powell.)

No. 5.—PROPOSED ANSWER TO THE ADDRESS.

(Canadian Archives, Series Q., Vol. 304, p. 26.)

GENTLEMEN,—In answer to your address on the subject of the disbursement of certain sums of money amounting to £——, without authority from the Legislature, I can only say that on being called to the administration of the Government on the Decease of Lieut. General Hunter, I found the practice established and pursued it.

I shall lose no time in transmitting your address to the Secretary of State, to be laid before His Majesty, and doubt not but that orders will be received, to replace those moneys at the disposal of the Legislature.

But, Gentlemen, I cannot forbear submitting to your serious consideration, whether it would not best become the dignity of the Commons House of Assembly to cover by a vote, such part of this expenditure as is admitted to have been made, for purposes purely provincial and, before you separate, to provide, with the concurrence of the other Branches of the Legislature, for similar contingencies during the current year.

No. 6.—LIEUTENANT GOVERNOR GORE TO MR. WINDHAM.

(Canadian Archives, Series Q., Vol. 305, p. 45.)

(Extracts.)
(No. 6.)

YORK, UPPER CANADA,
1st October, 1806.

SIR,—Altho' from my short residence here, I am unable to lay before you an accurate account of the present situation of this Province, yet I think it proper to mention such particulars concerning it, so far as my own observation, and information on which I think I can depend, have enabled me to collect.

It is stated to me that the Inhabitants of this Province may be arranged under the following divisions:—

1st. Such persons and their descendants who took up arms in the Royal Cause, during the American War, together with others, who then on account of their loyalty, were compelled to seek for protection under the British Government.

2nd. Persons who have emigrated from Europe, chiefly from the Northern parts of Scotland.

3rd. Emigrants from the United States of America.

There are also an inconsiderable number of Germans, with a few French emigrant followers of Count de Puisaye to be added to the number.

With respect to the first of these divisions, I am informed that, in general, they live comfortably, and that some of them, comparatively speaking, are opulent; it is from them that the Magistrates, Clerks of the Peace, and other Civil Officers in the respective districts of this Province are selected, many of them being Americans, are skilful in clearing the Land, a species of knowledge so highly advantageous in this country.

The second division of Inhabitants are stated to me to be but indifferent Farmers, but that by extreme frugality, the greater number of them have rendered themselves comfortable and independent; They are of the Roman Catholic Religion, guided and influenced very much by a Missionary Priest, by the name of McDonell, formerly chaplain of Glengarry Fencible Regiment, of whom I have received a very favourable character, that Gentleman has, I am told, a plan to propose, of settling some of the children of those Emigrants near to the seat of Government, which is a measure that appears to me to be extremely desirable.

The last Division, viz., Emigrants from the United States of America, have not all of them been represented to me in the same favourable point of view some indeed of that description, viz., Quakers, Dutch farmers from Pennsylvania

and many others have, it is said, proved peaceable and Industrious settlers, but it is stated also, that there are a considerable number from that Country of a different description, who have come here adventurers, and have brought the very worst principles of their own Constitution along with them, and from what I have experienced, even during my very short residence here, endeavour to oppose and perplex His Majesty's Government.

It may perhaps be an object worthy of consideration, whether Lands here should continue to be bestowed, perhaps too liberally, for the inconsiderable sum of sixpence an acre, under the unpopular name of Fees, which is the only inducement to persons of the above description to settle in this Colony; and whether it might not be better to sell the Lands for a fixed, but moderate, price, as I am informed is the case in some of the American States and also in Lower Canada.

With respect to the followers of the Count de Puisay, their number is extremely inconsiderable; they live quietly, but some of them not very comfortably, such of them as have applied to agriculture have, it is said, suffered inconveniences from their want of skill in clearing the Lands.

Having made such enquiries as I thought necessary, respecting the Inhabitants, I must turn my attention to the Roads, or rather communications, within this Province, for the making what correctly speaking can be called Roads, is far beyond the present strength and means of the Colony. The Provincial Legislature, last Session, appropriated sixteen hundred pounds of this currency for that purpose; on that head it has been represented to me, that great part of the communications have been offered by settlers on the next adjoining Farms, and that the large Grants of waste Land, which have been obtained by persons not residing in the Province, have in many parts been found an insurmountable barrier to this very necessary species of improvement.

In justice to the Executive Government, I must observe that Mr. President Grant, with the advice of his Council, divided the Tract of Land lately purchased from the Mississauga Indians into lots containing each of them two hundred acres, which have been granted with an express condition, that no settler should obtain a Patent for the Lot which he might occupy, until such settler should build a House of certain dimensions, clear a certain quantity of Land, as well as that part of a Road, or communication to be made next adjoining to such Lot, and such is the advantageous situation of that Tract, that the Executive Government have already found settlers to occupy nearly every Lot, and it will soon, I trust, afford a most ample supply of Provisions for the seat of Government.

* * * * *

Respecting the Indians, I shall only at present observe, that their conduct is harmless, that they look up to the British Government for protection, and unless when misled by evil disposed persons, are perfectly ready to comply with whatever Government may desire, such persons, however, I am told, are not wanting to deceive them.

I have thus endeavoured to lay before you a faithful representation of some particulars respecting the present knowledge of this Colony, so far as they have come to my knowledge or observation, but I cannot conclude without mentioning that I am informed (for as yet I can speak but from observation) that by far by far the greater part of the Inhabitants of this Province are quiet and industrious.

In the meanwhile, with other Investigations, I shall make it my business to discover the plans the late Lieutenant Governor meant to have pursued, to whose exertions, I have every reason to believe, however unpleasant they may have been to some Individuals, this Province is under the highest obligations.

I have the honour to be, Sir,

With great respect,

Your most obedt Servant

FRANCIS GORE, *Lt. Gov.*

No. 7.—JUDGE THORPE TO EDWARD COOKE, UNDER SECRETARY.

*(Canadian Archives, Series Q., Vol. 305, p. 86.)*YORK, UPPER CANADA,
24th January, 1806.

DEAR SIR,—For the last time, I must trespass on your time for five minutes, as I think it my duty to inform you on the situation of this Colony, before the new Governor leaves you; from a minute enquiry for five months, I find that Govr. Hunter has nearly ruined this province, his whole system was rapaciousness, to accumulate money by grants of land was all he thought of; the loyalist that was entitled to land without fees, could not get any, but the alien that could pay was sure of succeeding; unjust and arbitrary, he dissatisfied the people, and oppressed the officers of Government, he had a few Scotch instruments about him (Mr. McGill and Mr. Scott) that he made subservient to his purposes, and by every other individual he and his tools were execrated. Nothing has been done for the Colony, no roads, bad water communication, no Post, no Religion, no Morals, no Education, no Trade, no Agriculture, no Industry attended to; Mr. McGill and Mr. Scott have made a person of their own President, the same measures are followed up, and the effects will soon appear, for every thing *you wish* will be defended, and the Houses of Assembly will feel their power, which is always (in the Colonies) a bad thing; all this, and much more, you will soon know, therefore in this state of things, I think it absolutely necessary to set about conciliating the people in every way. I have had some public opportunities which did not escape me, and in private I will cultivate all that are deserving, or that can be made useful; by which means I now pledge myself to you, that whoever comes out shall find everything smooth, and that in twelve months or less, I will be ready to carry any measure you may desire through the Legislature; all this I state on the supposition that Ld. Castlereagh will not be induced to place any one over me on the Bench, but if Parliamentary interest should prevail on him to neglect my exertions, I must entreat of my friends to beg of his Lordship to remove me to any other place, where I can do my duty and render some service.

I have the honour to be, Dear Sir,

With respect and regard, your truly obliged and

Obedient, humble servant,

ROBT. THORPE.

P.S. I hope for the sake of England and the advancement of this Colony that the new Governor will be a Civilian and a politician, it is worth four thousand a year. The Lower Province six thousand—there might be two good military appointments, a Lieutenant General below, a Brigadier here.

From the Gentleman having delayed who was to take this to New York, I have an opportunity of stating that the Clerk of the Crown is dead.

5th February, 1806. The Houses of Assembly are sitting and from want of a person to direct, the lower one is quite wild, in a quiet way I have the reins so as to prevent mischief tho' like Phaeton I seized them precipitately. I shall not burn myself & hope to save others.

No. 8.—JUDGE THORPE TO LORD CASTLEREAGH.

(Canadian Archives, Series Q., Vol. 305, p. 90.)

YORK, UPPER CANADA, March 4th, 1806.

MY LORD,—I feel it absolutely necessary to inform Your Lordship on the wretched state of this Province; a weak Government has made the House of Assembly strong, and instead of conciliating and reconciling, a sudden prorogation has exasperated in such a manner that appeals will be made to the people; the situation of a new Governor will be most disagreeable, and as I am certain the members will return next year in the utmost violence, it will be fortunate if the Governor has not left London that he may read the Journals of the House and take your Lordship's opinion on the claims of the Loyalists, the Military claimants, the increased Fees, the distribution of them and the Publick accounts.

The system of the last Government was extortion and oppression, carried with a strong arm, the desire of the present was to continue it, but from the imbecility of those directing everything has been exposed; my Lord, I perceived what would happen and considered it my duty to gain the good opinion of the people, and the confidence of the representatives, that I might assist in repressing violence and restoring harmony; in this I have succeeded so completely, that if the Governor will only yield a little, I will promise your Lordship to ensure his comfort.

A Bill came from the Secretary of State to enable aliens to hold Royal Grants, which was so badly managed, that the House of Assembly would not suffer it to be read, but if it is an object with your Lordship, by a little modification we can get it carried; also the Government have been long desired to attend to the culture of Hemp, but this like every other thing that could tend to serve the Province, or render it valuable to Great Britain has been neglected, therefore, My Lord, the first step I took, after having sufficiently gained the confidence of the people, was to establish an agricultural Society, extending over the whole Province, and as your Lordship will see by the enclosed Resolutions, have taken care to impress an early attention to Hemp; the next thing to be attended to is a road through the Province, which appears to me to have been neglected, for the purpose of keeping up a most useless and expensive Marine on the Lake, which burden may be taken off Great Britain as soon as roads are established, and the only certain and expeditious mode of doing this (in my humble apprehension) is by a Lottery, the prizes in which would be small grants of land, by this means I think the value of the Crown Lands would be much increased, the Marine fund would be much diminished, and population and prosperity at once given to the Province.

Now, my Lord, one thing more, and when I write on this, it rejoices me to think I address a Lawyer whose initiation I remember twenty years since under Dr. Christian, and whose mind I know to have been formed and stored by the greatest lawyer and the purest statesman that England ever produced; then I have only to inform your Lordship that there is no Court of Chancery, and you will quickly perceive how lame and imperfect the justice of the Province must be, but when I call to your mind that all the land is held in Free and Common Socage Tenure which no simple contract debt can affect and that the person is protected from arrest by Provincial Statute, except the creditor can swear that the Individual is going to leave the Province, you will at once perceive the necessity for opening a Court in which a Mortgage can be foreclosed; in truth, until this is done, no one can enforce payment, nor can the character of the Province be freed from the utmost ignominy; I must here remark that the Lands in Lower Canada are liable, like personal property, to debt, as they are under the French law which is built on the Roman and makes rent and personal property subject to simple contract debts.

Pray my Lord, pardon this long letter, the situation of the Province demanded it, one circumstance more, as it belongs to my Department, and I have done—the Clerk of the Crown and Court of King's Bench is dead, Mr. Warren Baldwin who is deputy, and has been so for some years, is the only educated and qualified person in

the Province to succeed him; therefore as the Clerk is a person of great consequence to the Court I must beg strongly to recommend him for the appointment, unless Your Lordship intends to send an adequate person from England, in which case I would not presume to interfere, yet justice and humanity loudly call in this man's favour, as his admirable character entitles him, and the subsistence of a large family resting on it, will ensure your Lordship's protection.

As for myself, one word; I have been in America four years, a country where Judges and Juries never have agreed, yet but two Juries have ever differed from my direction, and an appeal was never made from any one decision, my conduct is known in your office, and I am personally known to Your Lordship, however, if anything could induce you to sting me to the heart by placing any one over me, I entreat of you to take me from this, where I should feel perpetual mortification.

I have the honour to be, My Lord, with great respect and esteem,
Your Lordship's most obliged and grateful humble servant,

ROBT. THORPE.

No. 9.—PROCEEDINGS OF THE UPPER CANADA AGRICULTURAL AND COMMERCIAL SOCIETY.

(*Canadian Archives, Series Q., Vol. 305, p. 96.*)

YORK, UPPER CANADA.

At a Meeting of Gentlemen from different parts of the Province, held at Cooper's Tavern, on Saturday the 22nd February, 1806, it was

Resolved, That from the industry of the People, the power of the State and the Wealth of the Subject is derived; and Agriculture being the happiest mode in which industry can be applied, we feel it our duty to Unite, for the purpose of promoting its advancement and accelerating its protection.

Resolved, Therefore, that we (for the purposes aforesaid) do now form ourselves into a Society to be termed

The Upper Canada Agricultural and Commercial Society.

Resolved, That for the various uses of this Society, each Member shall pay one Dollar on being admitted, and two Dollars annually.

Resolved, That the Honourable Mr. Justice Thorpe be Chairman, John Small, Esquire, Secretary, and Charles B. Wyatt, Esquire, Treasurer.

Resolved, That to promote the design of this Society fully, and to obtain general information on the Agriculture and Commerce of this Province, a division of this Society shall be formed in every District, under similar Rules and Regulations, and that a Committee for each division, shall communicate Quarterly with the Corresponding Committee in York, on the Improvements made, and the assistance wanted in the various branches of Agriculture and Commerce within the District, and that Sub-divisions be formed wherever they may be necessary and convenient.

Resolved, That the Hon. Mr. Justice Thorpe,
The Hon. Peter Russell,
Hon. Mr. Justice Powell,
Hon. Thomas Scott, Attorney General,
D'Arcy Boulton, Esq., Solicitor General, M.H.A.,
Wm. Weekes, Esq., M.H.A.,
Rev. Mr. Stuart,

be the Corresponding Committee of this Society.

Resolved, That each member hereafter named for the different Districts in this Province is requested to call together such persons as are eligible to form a division of this Society in his District.

For the Niagara District.

The Hon. Robert Hamilton.

For the Western District.

The Hon. James Baby.

For the London District.

Benajah Mallory, Esq., M.H.A.

For the Midland District.

Allan McLean, Esq., M.H.A.

For the Eastern District.

John Crysler, Esq., M.H.A.

For the District of Newcastle.

David McGregor Rogers, Esq., M.H.A.

For the District of Johnstown.

Peter Howard, Esq., M.H.A.

Resolved, That there be an Annual General Meeting at York, on the second Saturday in the sitting of Parliament.

Resolved, That a Quarterly Meeting be held on the first day of the sitting of the Quarter Sessions, and oftener, as the Society shall think necessary.

Resolved, That the Committee of Correspondence be empowered to form as many Sub-Committees within the District as may be found convenient, according to the design and under the Regulations of this Society, and that the Corresponding Committee of York be authorized to dispose of the General Fund of the Society for the purposes of the Institution, accounting at the Annual Meeting for the same.

Resolved, That no additional Member be admitted at any future Meeting in this District but by Ballot, at which time one black Ball in three shall be considered an exclusion of the Person proposed, and that the name of the Gentleman to be ballotted for, shall be sent to the Secretary of this Society, by the Member who is to propose him, one day at least before the Ballot.

Resolved, That all those who signed the original Subscription Paper of this Society, be considered as original Members.

Resolved, That the Members will exert themselves to engage their neighbours and acquaintance among the Farmers, to cultivate annually a portion of Ground (however small) with Hemp, and to report to the Corresponding Committee the result, specifying the portion and quality of the ground, the expense of culture and cleaning the Hemp for Market, and the quantity and quality of the Hemp produced &c. &c.

Resolved, That five hundred copies of the proceedings of this day be printed, with the names of the original Members, and that each Member be furnished with a Copy thereof.

Resolved, That the unanimous Thanks of this Society be given to the Honourable the Chairman, for his laudable zeal in establishing this Society.

Adjourned to the first day of the Sitting of the Quarter Sessions.

JOHN SMALL,

Secretary.

ORIGINAL MEMBERS.

The Hon. Mr. Justice Thorpe
 Hon. Peter Russell
 Hon. Mr. Justice Powell
 Hon. Robert Hamilton
 Hon. Thos. Scott
 Hon. James Baby
 William Jarvis, Secretary of the Province.
 Thomas Durland, M. H. A.
 Allan McLean, M. H. A.
 Robert Nellie, M. H. A.
 Wm. Weekes, M. H. A.
 Solomon Hill, M. H. A.
 Peter Howard, M. H. A.
 Benajah Mallory, M. H. A.
 D'Arcy Boulton, M. H. A.
 Ebenezer Washburn, M. H. A.
 David Cowen, M. H. A.
 D. McG. Rogers, M. H. A.
 Ralf Clench, M. H. A.
 Joseph Willcocks, H. Sheriff
 Quetton St. George,
 Samuel Ridout
 John Small, C. C.
 John Berkee,
 John Bennett
 Thos. Mosley
 John Cameron
 Richard Ferguson J.P.
 William Willcocks J.P.
 Wm. Allan, J.P.
 Robert Baldwin J.P.
 Wm. Gilkinson
 Rev. G. O. Stuart
 William Cooper
 T. B. Gough
 Simon McNabb
 Rev. Rob. Addison
 George Lane,
 Wm. Stanton D. P.
 Robert Henderson
 Frederick Baron De Hoen
 John Ashbridge
 H. W. Baldwin Master in Chancery
 Wm. Chewett, J. P.
 C. B. Wyatt, Surveyor General of P.
 Thomas Ridout, C. P.
 Elisha Beman, J.P.
 William Bond
 William Graham, J.P.
 Stillwell Willson.

No. 10.—JUDGE THORPE TO EDWARD COOKE.

(Canadian Archives, Series Q., Vol. 305, p. 103.)

5 March 1806.

DEAR SIR,—I expected that the avarice and imbecility of our Government would be highly injurious, but it has far surpassed my fears, the House of Assembly has been suddenly prorogued, and disaffection and discontent will be loud through the Province. We too well know the miseries that arise, when the people are taught to interfere but I hope to avert the storm if you send out a sensible Governor with a little discretion about him.

I have written in great hurry to Lord Castlereagh, one thing I forgot; does his Lordship consider the sums of money raised by duties on articles coming into the Province, under the 14 of the King—Chapter 88—and by the 15 of the King—Chapter 40—ought to be appropriated by the House of Assembly for the use of the Province? or are the sums to be raised at the disposal of the Governor? the opinion and wishes of Lord Castlereagh on this point I think of great moment to know. I enclose some Resolutions which will show you I have set Agriculture in the way of improvement, pray set the Societies in England in the way of assisting us and directing our attention to anything serviceable to Great Britain. Will Lord Castlereagh help us if we apply properly? I have given a proposal about Roads which I hope you will approve of; by Government allowing a small quantity of Land as prizes in a Lottery, a sufficient sum will be raised to make one good road through the Province, which will wonderfully assist every exertion and bring the waste Land into great value, I can think of no other mode to accomplish this necessary step for a new country, which has been so long criminally neglected.

A Court of Chancery is absolutely necessary, the Constitution is imperfect without it, Justice cannot be obtained, nor can the King's Grant when fraudulently obtained, or improperly granted be regularly cancelled in any other Court, I hear it has been delayed on account of four hundred a year being asked for the Judge, but there is such a strong necessity for its establishment, that I will undertake it for the sake of public justice, without fee, or reward. I only look for a support by my own labour until my Estate clears itself.

Unless you wish to entail misery on the new Governor, let no representation induce Lord Castlereagh to do any thing for Mr. McGill or Mr. Scott, until the Governor knows them and the present state of this Province.

Mr. Alcock is appointed to Lower Canada, he became Chief Justice of this place from the seat I now fill on the Bench, but I do not press that as an inducement for Lord Castlereagh to place me there; I hope the knowledge I have shown in my profession, the exertion I have made for the Government and the confidence the publick have of my ability and integrity, will have its full weight with his Lordship; but if anything should induce him to disgrace me, by sending any one over me, I only beg you will intercede to have me removed, for to remain would kill me.

I am dear Sir with great respect and esteem,

Your truly obliged and obedient humble servant

ROBERT THORPE.

P.S. On the points mentioned to Lord Castlereagh and yourself, if too much hurried to write, have the goodness to request of Mr. Gordon to let me know your mind; if you intend I should be Chief Justice.

No. 11.—CHIEF JUSTICE ALLCOCK TO SIR GEORGE SHEE.

(Canadian Archives, Series Q., Vol. 305, p. 113.)

PICCADILLY, 14 Mar. 1806.

SIR,—On the subject of the Court of Chancery in Upper Canada, respecting which you desired me to communicate my sentiments, I have, in addition to what is

stated in Gen. Hunter's letter, dated 15th Sept. 1804, the honour to observe, that during the whole of my Residence in the Province for the year 1798, cases were continually occurring, in which Justice was completely disappointed for want of a Court of Equity.

But, Sir, it must be manifest to every Man, who thinks on this subject but for a Moment, that in one English Colony, where the Law of England has been declared by the Legislature to be the law of the land, the occasions must be very numerous, in which a Court of Common Law cannot administer substantial justice.

It is fourteen years since Upper Canada has been erected into a Province, and as yet there has been no Court of Equity in it.

Whilst I sat in the Court of King's Bench there many verdicts were obtained against Defendants, contrary to the Equity of case, & in which a Court of Law could not afford any Relief, particularly in Ejectment causes.

There were many of these cases, in which the Decree of a Court of Equity must, as a matter quite of course, not only have relieved the party from the verdict, but have arranged many other points in question between the parties, & which, because a Court of Law could not interfere, remain to this moment undecided, to the serious Injury of one of the parties & of consequence in failure of justice.

The complaints of the King's subjects in Upper Canada that they had not an equitable Jurisdiction to resort to, have been very numerous indeed, of which the late Gen. Hunter heard very much, & I very much more, & I had held out so many assurances for years (being authorized so to do) that a Court of Equity would soon be established, that, I fear, my assurances at last ceased to be much attended to.

The Merchants of Lower Canada having very considerable debts due them in Upper Canada upon Mortgages, complained loudly and very frequently that there was no jurisdiction in which they could foreclose those Mortgages & I believe they have more than once made the most urgent applications to the King's Ministers in England, praying that an equitable jurisdiction might be established.

At the desire of Gen. Hunter, I drew out a system for the Establishment of such a Court & also a Table of Fees. These papers were remitted to England for the approbation of his Majesty's Ministers, & I thought I understood from Mr. Cooke, that the whole had been or would be approved.

At all events it was settled, before the vacancy in Lower Canada was known of here, that a Court of Chancery should be opened on my Return to Upper Canada & I was to have sat with the Lieut. Governor to aid him in the Business of that Court.

I have the honour to be, Sir,

Your most obedt. humble Servt.

H. ALLCOCK,

late Chief Justice of Upper Canada.

No. 12.—W. HARRISON TO SIR GEORGE SHEE.

(*Canadian Archives, Series Q., Vol. 305, p. 119.*)

TEMPLE, April 1st 1806.

SIR,—I have considered Mr. Allcock's letter on the subject of establishing a Court of Chancery in Upper Canada, on which you desired to have my sentiments.

It seems extraordinary that a Court was not established at the time of the introduction of the English Laws. The separation of our jurisdictions into legal and equitable makes such a Court a most essential part of our establishment & making cases of hardship & instances of failure of justice must occur until it is established.

The Governor will naturally require positive directions on the subject as it has been delayed so long. It seems to me therefore proper that he should be ordered by the Secretary of State immediately to establish such a Court, taking upon himself the office of Chancellor & calling to his assistance either the Chief Justice or

any of the Judges to assist him in establishing the regulations of officers & details of practice & also to assist him in the hearing of any causes in which he may wish to have their advice.

Many difficulties will at first occur in establishing such a court with Officers & a Bar not as the habit of a Court of Equity, but these difficulties will lessen every day and it appears to me more advisable that the establishment of Upper Canada should be made in this respect to conform to that of the English Colonies, than to introduce any particular officer as an equity judge at an increased expence & with no future advantage & probable future inconvenience which it is not necessary for me to advert to.

Mr. Alcock's letter alludes to papers on the subject which it would be advisable to refer to and if on review it appears that the establishment of the Court as to Officers & fees has been approved of by the Attorney & Solicitor General, who ought as it seems to me to be referred to in such a case, the Governor may be directed to form the establishment accordingly.

I have the honour to be, with great respect,
Your obedt. and humble Servant,
W. HARRISON.

No. 13.—JUDGE THORPE TO ADAM GORDON.

(*Canadian Archives, Series Q., Vol. 305, p. 124.*)

YORK, UPPER CANADA,
April 2nd, 1806.

DEAR SIR,—By a circular letter from the kind of Government we have here, I was informed of your being appointed Agent, which gave me great pleasure; I know the exertions you have made to render the officers of Government comfortable in the payment of their bills, therefore am convinced of the service you will render, & the satisfaction your appointment will create; It would be fortunate if all the agencies were placed in the same way as rapidly as they become vacant, it would increase the respectability of our bills and the certainty of payment would prevent expence & distress.

We want a Colony agent to transact the business of the Province in London, & I think (if it is worth your acceptance) that I could get the Legislature to appoint you the salary will be one hundred a year only but I think very little business.

I enclose you an account of the proceedings in the last Parliament, the mind of the people is greatly roused; General Hunter's was a military Government, he had no Idea but collecting Dollars, these weak people attempt to continue the system, which brought on an exposure and all its commotion; I had exerted myself much, & have succeeded in gaining the confidence of the people beyond my expectation, this was quite necessary to save the new Governor from great annoyance, and as I expect to be Chief Justice, it was both my duty and inclination.

We have no regular Post, and seldom hear of the incessant glories of Great Britain, Mr. Lewis used to send me a newspaper, but I never get anything here.

I am Dear Sir with great respect & regard
Your obliged, humble servant
ROBT. THORPE.

No. 14.—JUDGE THORPE TO EDWARD COOKE.

(*Canadian Archives, Series Q. Vol. 305, p. 127.*)

YORK, UPPER CANADA, 1st April, 1806.

DEAR SIR,—When I last wrote, I conceived I would not have been obliged to trouble you for a long time, but the present temper of the American States renders

it more particularly necessary that you should have an accurate account of this Province. Before the Legislature met I mentioned my fears; after the prorogation I informed you how much they were realized; the public mind is greatly agitated. The enclosed account of the Parliamentary proceedings (printed in the States) which exposes a good deal will make it worse, and a Newspaper which the people are about to establish will soon blow up the flame; yet be assured the people are well inclined to the British Government and the Province valuable, if Justice was done to the one, and exertions made for the other; but the extortion, partiality and negligence of Gov. Hunter, which his weak and wicked tools have followed up with the President, whom they made (without any right) for their own purposes, has been exposed and has set the people mad; a Governor to enrich himself by the plunder of Eastern princes may be viciously grand, but the rapacity that would squeeze the pitiful Dollars out of the Western poor was miserably mean and contemptibly wicked; but Gen. Hunter did not act with common propriety to the Secretary of State, for he created places for his own purposes without any leave; he made Mr. McGill Inspector General a place worth four hundred a year, because it was useful to him but unnecessary and oppressive to the people. I hope nothing will be done for the Officers of Government here, until the Governor comes out, as it will be very injurious if he is shackled with any of them, particularly in the Council, only let him see the place, know the people and feel the pulse of the public, and he will be able to make truer and more beneficial representations, than any you can now receive; a few sensible men coming in the Governor's suite will throw a new portion of health into the Province, which is absolutely necessary, for the people will no longer endure a Military system nor the overbearing reptiles who have been the servile instruments to enforce it.

The expence of the useless Marine on the Lake is enormous, if you look into the Army extraordinaries you will be amazed at the amount, the President is now building a Ship for his son in law that will cost three thousand pounds. Surely the money of England should not be lavished at this time in such a place as this, as a pretext for keeping up this patronage the roads have been unattended to, but even now one ship on each Lake is sufficient.

I fear the people are going to meet in all the counties to address the King, and even the Indians to complain of grievances; however I will labour to keep every thing quiet, at least until the Governor arrives. I have done the entire of the Criminal and *Nisi prius* business for the Chief Justice since I have arrived (in truth it was necessary for the Crown and people that some one should act that knew a little, for the Attorney General is as incapable in his profession, as he is injurious out of it) and I hope you will think that I have made good use of the opportunities the situation affords; I was told that the people were disaffected to the Government, and the juries for ever in opposition to the Bench; I directed my charge strongly to this feeling, to rouse them to a sense of their duty and to a proper estimation of the connection and constitution of Gt. Britain, which instantly produced the enclosed address from the petit jury, a circumstance unique; now you can well judge what I have had to do and what I have done. Having accomplished all that was necessary I shall retire to little Farm new Town, and there wait Lord Castlereagh's determination, should his Lordship recommend any other person to be Chief Justice, I shall remain in retirement, only attending my duty in the King's Bench, or on Circuit, until I can prevail on his Lordship to change my situation. I hope you approve of my plan for Roads, and feel the necessity for a Court of Chancery.

Tho' most anxious to hear from England I must remain in uncertainty for we have no regular post and I fear my letters are suppressed.

I have the honour to be Dr. Sir,
with great respect and regard

Your truly obliged

ROBT. THORPE.

No. 15.—PETIT JURY HOME DISTRICT TO JUDGE THORPE.

(Canadian Archives, Series Q., Vol. 305, p. 132.)

YORK, Saturday, April 5, 1806.

On Monday the 27th ulto. the following address from the Petit Jury of the Home District, was presented to the Honourable Mr. Justice Thorpe.

To the Honourable Mr. Justice Thorpe.

HONOURED SIR,—Deeply impressed with the paternal and salutary admonitions contained in your benevolent and instructive charge to that part of his Majesty's subjects, convened as persons at this present Court, We cannot suppress the testimony, pleasure and gratitude we feel at your appointment as one of his Majesty's Justices in this Province. Convinced as we are, of the high pre-eminence of the British Judicial Code, we beg leave to assure your Honour, that we want nothing but clear expositions of our duty, to direct us in the entire and perfect dispensation of Justice, so far as facts and our powers as persons may enable us.

Permit us, Honourable Sir, whilst paying this tribute to yourself to say, that we have the most lively sense of the general and particular protection of person, property and individual right, which the British Government affords to all its subjects; and that our feelings, loyalty and our attachments are in unison.

While we have the honour to subscribe ourselves, &c. &c. &c.

John Button
Joshua Millar
Isaac Secord Sen.
Daniel Dehart
Joseph Tomlinson
Samuel Lawrence
John Daniel
Garret Vangante
John Dehart
Joseph Vancise
William Jones
Samuel Reynolds
Benjamin Harrington
Samuel Piper
John Wurts
Philip Peck
Peter Degear
Abraham Herrington
John Moore
Isaac Secord Jun.
James Hamilton.

William Marr
John Remore
George Pingle
George Boyles
Henry Bartholomy
Robert Grains
Wm. Robinson
Ebenezer Cook
Andrew Thompson
Matthew Mills
Ezekiel Post
Archibald Thompson
Andrew Johnston
David Thompson
James Elliott
James Palmer
Uriah Lundy
Joseph Tumblestone
Peter Miller
James Mustard

To which his Honour was pleased to return the following answer:

To the Gentlemen of the Petit Jury.

GENTLEMEN,—I Delight in the sentiments of your address; they are truly gratifying to me, they are highly honourable to you; they have driven calumny to shame, and established the purest principles, with the most upright conduct for universal imitation throughout the Province.

These are the paths to publick prosperity, these are the ways to preserve liberty and property and secure them undiminished to yourselves and posterity.

Our only contention shall be, who will make the greatest exertion to maintain the connection, the Law, and the constitution of Great Britain, and render to the Province and People the most valuable service.

Be assured Gentlemen, I am most truly your friend,

ROBERT THORPE.

YORK, March 29th, 1806.

No. 16.—JUDGE THORPE TO EDWARD COOKE.

(Canadian Archives, Series Q., Vol. 305, p. 135.)

DEAR SIR,—I have this moment heard of Mr. Pitt's death, and of the change in Ministry; I suspect you will not remain in Office if your old friends are out, therefore should hope (if you approve of it) that the business part of my letters to Ld. Castlereagh & yourself, would be communicated to the new Secretary, as I conceive it essential, not only to the prosperity but to the tranquillity of the Province, that its situation should be known and some change adopted. It is a great public calamity you do not remain in the Department, and an unfortunate system to change the Under Secretary just at the time he becomes master of the Colonial business.

Before Ld. Castlereagh leaves his office I presume he will fill up the vacant appointments, and I have no doubt of his kindness and your continued friendship to me.

With great respect and esteem

I am most truly your obliged servt.

ROBT. THORPE.

April 7.

No. 17.—JUDGE THORPE TO ADAM GORDON.

*(Canadian Archives, Series Q., Vol. 305, p. 150.)**(Extract.)*

YORK, UPPER CANADA

July 14th 1806.

* * * * *

Report says Mr. Scott, the Attorney General, is the Chief Justice; from what misrepresentation of him or from what pique against me Ld. Castlereagh has done this I know not, but this you will soon know, that he is perfectly unequal to the situation, that the Governor will be dreadfully perplexed by such an appointment, that the Province will be universally dissatisfied with him, and I think you will soon find out that the Province would have been perfectly satisfied had I been appointed, and if you knew but half the situation of it, you would be convinced that it was no time to add fuel to the flame, and throw the new Governor into a state of wretchedness; but we expect the new Governor every day and I suppose he will soon inform the Secretary of every thing, however if from the accounts received Mr. Windham approves of my plans sent to Ld. Castlereagh and Mr. Cooke, or has anything new to propose, and thinks my assistance will be wanted, he should appoint me without delay to both Councils, that it may be in time for the meeting of the Legislature, he will be the best judge of these matters; If there is a Court of Chancery (and the Province cannot go on much longer without it), I suppose I shall have no competitor for that as I suppose none of these people would have the folly to propose for it; however I know something ought to be done soon to quiet the minds of the people, as for myself, I shall retire as much as possible until I can render the Government some service, for let what will be done now, I feel that within myself which *will oblige justice to come to me at last*, for be assured the Government here cannot be directed by an enfeebled old ignorant Methodist Preacher long, I lament you are not informed about the present temper and precarious situation of this Province.

I hear my friend Sir G. Shee is under Secretary to Mr. Windham, he knows how active and willing I am to serve the Government, he will soon know more from my enemies (for such I have because I set my face against oppression), how adequate I am to my situation the Secretary could give, and that I have the voice of the people from one end to the other of the Province—Sir George Shee knows how the Judges recommended me before and on my opposition for the Chancery Court, the Chancellor and Chief Baron of Ireland would answer for my being qualified.

I certainly feel hurt at this contemptible creature being put over my head, and only hope for redress I shall not be obliged to go to London from my helpless family to represent it fairly.

I am Dr. Sir with great regard

Your most obliged

ROBT. THORPE.

No. 18.—JUDGE THORPE TO SIR GEORGE SHEE.

(Canadian Archives, Series Q., Vol. 305, p. 173.)

NIAGARA UPPER CANADA

Oct. 22nd 1806.

DEAR SIR GEORGE,—When our friend who is now a Saint in Heaven (if humanity is ever raised to such celestial eminence) first introduced me to your attention, you caused me to be sent to America, and your last directions were, that I should be assiduous in gaining and sending information to the Secretary; I laboured incessantly and I believe discharged my duty to the Colony, and with the approbation of the Secretary. When I came to this country I found that Gen. Hunter had ruled like a military despot, not like a Governor appointed to govern a Province with a British Constitution, the House of Assembly began to be roused, and the ferment of the people became more violent; I felt for the situation of the new Governor and supposing I would be appointed Chief Justice, & be obliged to assist his Administration, I cultivated the members of the Assembly and soothed the mind of the people; but a being has been put over my head, & made Chief Justice, who has neither talent, learning, nerve, nor manner, and also from being despicable in the mind of the people, can have no weight with Juries and consequently will reduce the Bench to insignificance; a Court of Chancery is very much wanted, & was to be opened; it is reported the Chief Justice is to preside, the consequence will be, that the public mind will be again agitated and the House of Assembly will violently petition against it, the measures of Government will be treated as last year, when even the bills from the Secretary's office were not supposed to be read in the House of Assembly, and this luxuriant Province (which might be one of the most valuable ramifications of the Empire) will continue convulsed within itself, and a useless expence to Gt. Britain; no one can be more miserably situated, I am only returning from circuit, a vacancy has taken place in the Assembly and the people are determined to bring me into the House, I have not seen the Governor yet, but have written to inform him that I will not accept of any situation unless I can render him some service in administering his Government, yet how will that be possible, for I could not coincide with men whose measures have always been arbitrary and oppressive, nor would I be guilty of any dereliction of principle for all that could be bestowed, therefore the only mode I see, for escaping this dilemma is from your goodness, by getting me removed, my salary here after deduction is only seven hundred and fifty, of that is expended on Circuit (the allowance not being adequate) even out of this pittance I have been obliged to pay one hundred a year for a house. I have not one acre of Land & within fifteen in family however I get on as respectably as I ought, when a Barrister will make fifteen hundred a year; perhaps a court may be established at the Cape of Good Hope, and you would send me there, but I would leave this delightful climate & magnificently beautiful & fertile country, for any spot to find repose in, provided it was not such a climate as would quickly endanger my loss to my poor children. I can with truth say I have not disgraced your patronage, nor the memory of those great men who voluntarily became responsible for my talents and legal acquirements, and could you see the testimonies of approbation that have issued from all ranks wherever I went you would be satisfied and acknowledge I have not deserved the neglect I have experienced, but I have been stung to the heart by those in office, from whom I had the strongest professions of regard.

I have the honour to be most truly

Your grateful & highly obliged humble serv.

ROBT. THORPE.

No. 19.—LIEUT. GOVERNOR GORE TO MR. WINDHAM.

(Canadian Archives, Series Q., Vol. 305, p. 61.)

(No. 9.)

YORK, UPPER CANADA

29th October, 1806.

SIR,—In my dispatch of the first of October (No. 6) I endeavoured to give you some idea of the situation in which I found this Province; I therein signified that some discontents did prevail, and that I was apprehensive they were fomented by persons amongst us, who wish'd to perplex His Majesty's Government. I then being almost an entire stranger, did not venture to say more, well aware of the danger of being misled by partial representations.

It becomes us now not to be silent. The addresses and answers that have been circulated in this Province by means of the public newspapers (which I herewith transmit) speak for themselves and shew what opinions are encouraged and supported by, I am sorry to say, a Judge of this Province, and at a time when his influence must be the greatest on the public mind. He has not been in this Colony much more than Twelve months, he only saw Lt. Governor Hunter at Quebec a short time before his death, whose character and memory he has endeavoured, both in Public and in private, to degrade, and can only know by report many of the circumstances he thinks proper to allude to, respecting the Government of this Province.

It is on his first Circuit that he thus addresses the Public.

There is reason to believe he will be elected a member of the House of Assembly; and next year his circuit as Judge will comprehend the remaining part of the Colony.

What grievances he alludes to, I do not know, the most respectable persons, with whom I have conversed, do not complain of any.

It is but justice to General Hunter's character, whom I had not the honour of knowing, to say, that so far as I am able to judge, his conduct was firm and decided, and appears to have been directed to the promoting of the good of this country.

It is with the utmost reluctance that I trouble you with this unpleasant subject, my duty calls on me to be watchful, my wish is to redress grievances, if any should exist; and to act with firmness, yet with moderation, whatever may occur. Lest, however, this Gentleman should continue to follow that line of conduct he has hitherto pursued, I should esteem it a favour, to be honoured at an early period with your sentiments and Instructions, respecting such measures as may be deemed most prudent for me in such cases to follow.

The most respectable People in this Province are looking up to me for protection, and indeed have called upon me for the sake of public tranquillity to oppose and discountenance those principles and their supporters, which at this moment agitate the lower classes of the community; I confess I am anxious on the present occasion, but I trust you will do me the justice to believe, that it is an anxiety to do my duty and to support His Majesty's Interest in this Colony.

Permit me to add, that Mr. Thorpe has signified to me, that he has communicated to Mr. Cooke every circumstance relative to the Government of this Province; for my own part, I have nothing to conceal, but at the same time prudence and a regard to my honour, requires me to wish that His Majesty's Ministers may receive full information, and not be guided by a partial representation.

I have the honour to be, with great respect,

Your most obedient servant,

FRANCIS GORE,
Lt. Governor.

No. 20.—ADDRESS TO LIEUT. GOVERNOR GORE.

(Canadian Archives, Series Q., Vol. 305, p. 197.)

YORK, 30th August 1806.

On Saturday the 23rd instant arrived here His Excellency Francis Gore, Esquire, Lieutenant Governor of His Majesty's Province of Upper Canada. His Excellency landed at twelve o'clock, with the honours due to his rank; and was sworn into office at the Government buildings on Monday last.

On Wednesday the 27th instant, Wm. Weekes Esq. Member of Parliament, for the County of York, Durham and Simcoe, on the part of the Inhabitants of the Home District, presented to His Excellency the following address:

To His Excellency FRANCIS GORE Esquire, Lieutenant Governor of the Province of Upper Canada &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY,—

We, His Majesty's most dutiful and loyal subjects, the Inhabitants of the Home District, beg leave to congratulate your Excellency on your safe arrival in this Province; and to express to you the unfeigned assurance of our unshaken loyalty and attachment to His Majesty's person and Government. We also beg leave to add, that we feel the most lively gratification in observing in your Excellency's appointment, the high prerogative of Regal authority unconnected with a Military establishment: and we indulge ourselves in the hope of experiencing, in your Administration of this Government, the paternal solicitude of a Gracious Sovereign for the prosperity of the Province, in unison with the affection of a grateful people.

In approaching your Excellency with a zealous attachment to a constitution which neither innovation can impair, nor anarchy deform, we lament our being under the necessity of stating to you, that since the establishment of it in this Country, its system has been mistaken and its energy mis-used. In situations in which it were matter of dignity, as well as of duty, to promote the public good, private interest only has been regarded; and prerogative and privilege have been indiscriminately sacrificed at the shrine of arbitrary imposition.

We would willingly remove from our memory every impression of former occurrences, if it were as easy to forget our sufferings as to submit to them in silence; but we forbear at this period to solicit your Excellency's attention to their detail, pleased as we are in the expectation that a remembrance of the past will stand only as a contrast to the solicity of future times; and that under your Excellency's administration, neither weak capacities nor erring minds will gain influence or ascendancy in the Councils of the Province.

It is unnecessary for us to state, nor is your Excellency now to learn, that the institution of the Government, from which we receive our hereditary protection, has antiquity for its origin and the wisdom of ages for its support—That it has gained celebrity with time and perfection with experience, and that any deviation from its principles must be an abandonment to our ruin; but we trust it may not be deemed irrelevant to suggest, that many among us have supported it at the hazard of their lives, and at the expense of their property—that others have resorted to it from choice and have afforded to its establishment the labour of their years and the gleanings of their industry, and that it is the common concern of all to transmit it unimpaired from age to age, until, in the computation of its enjoyment, perpetuity and age become synonymous to our posterity.

(Signed by 301 inhabitants of the Home District.)

To which His Excellency was pleased to return the following answer:

GENTLEMEN,—I thank you for your congratulations on my safe arrival in this Province; and I receive with pleasure your professions of attachment to His Majesty's Person and Government.

I highly approve the sentiments you profess of the British Constitution. My utmost endeavours will be exerted to administer it here with Impartiality, and to preserve it from Anarchy and Innovation.

GOVERNMENT HOUSE

YORK 27th August 1806.

FRANCIS GORE,

Lieut. Gov.

No. 21.—GRAND JURY, LONDON DISTRICT TO JUDGE THORPE.

(*Canadian Archives, Series Q., Vol. 305, p. 201.*)

The following address from the Grand Jury of the District of London was presented to the Honourable Mr. Justice Thorpe at the late Assizes.

To the Honourable Mr. Justice Thorpe.

We, the Grand Jury of the District of London request your acceptance of our warmest thanks for your excellent charge to us at this Assizes. We retain its impressions as a lesson of advantage to ourselves and of benefit to the public, and we flatter ourselves that in adhering to its import, party animosity will, throughout this district, yield to a general desire of social order and public tranquillity. It has afforded us infinite pleasure to observe, in the exercise of your high and important authority, that the character of the Judge suffers no abasement from an amenity of manners, and that the soothing monition of the Court produces a more sudden effect in reconciling the differences of the community, than a rigorous application of the law, or crude and ill digested efforts, to effect an exemplary punishment. We learn with much gratification that our Sovereign has been pleased to appoint a Civil Governor to this Province, and we hope, under his administration, such change of measures will take place, as may tend to bury in oblivion, the remembrance of proceedings, heretofore sanctioned by authority, and yet no less derogatory to the prerogative of the Crown than invasive of the privileges of the subject. We entreat you to lay before his Excellency such of those acts as have come within your knowledge, with our earnest expectations that on his Excellency's consideration of them, Justice will extend its influence pure and unmixed even to this remote part of his Majesty's dominion, and that all descriptions of his People will impartially enjoy the rigour and perfection of a happy Constitution. We beg you will also accept of our warmest wishes for your health and safe return to your family.

We have the honour to be,

Your Honour's most obedient and very humble servants

In behalf of the Grand Jury,

JONATHAN WILLIAMS

Foreman.

Grand Jury Room, 17th September 1806.

To which His Honour was pleased to return the following answer:

To the Grand Jury of the London District.

GENTLEMEN,—To be the humble instrument of restoring harmony and happiness to your District, is an excess of gratification.

The act of governing is a difficult science, knowledge is not intuitive, and the days of inspiration have passed away; therefore, when there was neither talent, education, information, or even manner in the administration, little could be expected and nothing was produced; but there is an ultimate point of depression as well as exaltation from whence all human affairs naturally advance or recede, therefore, proportionate to your depression, we may expect your progress in prosperity will advance with accelerated velocity.

I shall lay before the Governor every thing you desire, and I have not the slightest doubt but that I shall find in him such power of mind, such political

acquirements, such official habits, and such good dispositions as are fitted to make an infant Province a pre-eminent state, wealthy and powerful, abounding in blessings to its inhabitants, and valuable to that great Empire from which we receive every thing estimable and to which we are anxious to make the most grateful returns.

I am, Gentlemen, very truly, your obliged, obedient and very humble servant
ROBERT THORPE.

No. 22.—GRAND JURY, WESTERN DISTRICT TO JUDGE THORPE.

(*Canadian Archives, Series Q., Vol. 305, p. 204.*)

SANDWICH, 4th September, 1806.

SIR,—We, the Grand Jury of the Western District, being deeply impressed with a high sense of your solicitude for the welfare and prosperity of this District, have to return you our grateful thanks for your polite address from the Bench, and for the very handsome manner in which you have pointed out the means of increasing our wealth and accelerating our future happiness; and we feel highly sensible, that those sentiments, which you have so emphatically expressed, will not fail to have a due effect on the community, and that tranquillity and industry will prove the prominent characteristic of a people enjoying the blessings of our happy constitution and anxious to perpetuate it to posterity.

We beg leave to add that we also feel ourselves highly obliged for the interest you have evinced for our agricultural concerns; and that it is our earnest determination to pursue every measure which may promote its celerity, and arouse into active industry the energy of the country.

We request you will carry with you into retirement our most sincere regards for your domestic happiness, and the assurance of our solicitude for your long enjoyment of the public situation in which you so eminently distinguish yourself as the Guardian of the Laws, and the Minister of Justice.

We have the honour to be, Sir, with high respect and esteem,
Your most obedient servants

(Signed by the Foreman and 19 others.)

To the Grand Jury of the Western District.

SANDWICH, September 4th 1806.

GENTLEMEN,—It is truth I am solicitous for your prosperity, and had I wanted incentive to exertion, your partiality has furnished the most powerful; the praise of men, themselves the most praiseworthy, is the highest encouragement.

We must be indefatigable in Agricultural pursuits, your soil to industry is a mine, to non-exertion a waste; we shall soon attain abundance for home and superfluity for abroad; roads to facilitate your efforts will, I trust, be quickly opened: may our Governor be Promethean heat and animate the Province from the centre to the extremity.

I will labour to convince you, Gentlemen, that your confidence has not been misplaced in your obliged, obedient and very humble servant

ROBERT THORPE.

No. 23.—PETIT JURY, WESTERN DISTRICT, TO JUDGE THORPE.

(*Canadian Archives, Series Q., Vol. 305, p. 206.*)

To the Honble. Mr. Justice Thorpe.

We the Petit Jury of the Western District, having with much gratification attended to your charge to the Grand Jury on the opening of your Commission of these Assizes; and having in the various causes in which we were called upon to

discharge the function of Jurors, received from you such explanation of our duty, as enabled us to discriminate between controversy and claim, between accusation and offence; beg leave to return you our sincere thanks, and to assure you of our veneration for these Laws which you have so ably expounded, and which we have laboured to carry into effect.

We assure you that the lessons of morality, and the principles of social order, which you were pleased to convey to us shall be not only remembered by ourselves, but also diffused among our relations and friends, and that it shall be our constant endeavour to circulate through every part of the community, sentiments so incentive to our present happiness, and so conducive to our prosperity.

(Signed by the Foreman and 25 others.)

To the Petit Jury of the Western District.

GENTLEMEN,—Every sentiment in your kind address is gratifying to me, honourable to you, and valuable to the community.

You respect and uphold the Law, you love and diffuse morality, you set the best example for social order, and reward the exertion of others by the warmest panegyric.

Public purity, private virtue, and active industry, lead to greatness, happiness and riches, that you may long enjoy the blessings you so truly deserve is the fervent desire of your obliged, obedient and very humble servant

ROBERT THORPE.

September 6th, 1806.

No. 24.—PETIT JURY OF NIAGARA TO JUDGE THORPE.

(*Canadian Archives, Series Q., Vol. 305, p. 208.*)

To the Honble. Justice Thorpe.

We the Petit Jury of the District of Niagara, beg leave to make to you at the close of the Assizes, our warmest acknowledgments for your explanation to us of the important matter of our duty, and also to assure you, that instruction conveyed with such perspicuity and delivered with such urbanity, shall always be held by us in grateful remembrance.

We admire the constitution, on which you have so happily descanted in proportion as we contemplate its system and its tendency to secure to us the enjoyment of the most valuable rights and the exercise of the most distinguished privileges.

It is to us no small consolation, in returning to our domestic concerns, that the execution of these laws, which we from duty as well as choice are solicitous to maintain, are entrusted to one so capable of deliberating on their import, and so tenacious of preserving them inviolable; and we hope that neither the efforts of the misguided, nor the representations of the ignorant, will ever shake these rules of evidence, which give to the trial by Jury a certainty of decision and a standard of Justice.

(Signed by the Foreman and 33 others.)

To the Petit Jury of the Niagara District.

GENTLEMEN,—I was anxious to assist you in the faithful discharge of your important duty, and your approbation of my exertion is more than reward.

Your admiration of the constitution, of which you are so valuable a branch, and your veneration of these Laws, which you so strictly uphold, is wisdom and security.

While we commiserate the misery of the Eastern & contemplate the happiness of the Western Hemisphere, let us be grateful to the Almighty for our accumulated blessings, and fervently pray that England may be an example, and France a warning to our latest posterity.

Be assured, Gentlemen, I shall persevere in that line of conduct, which has conciliated your regard, and advanced me in your esteem.

I am your obliged obedient humble servant

ROBERT THORPE.

October 6th 1806.

No. 25.—REQUISITION TO JUDGE THORPE.

(*Canadian Archives, Series Q., Vol. 305, p. 210.*)

At a meeting of Freeholders held at Moore's Hotel on the 20th October, 1806, for the purpose of considering of a proper person to represent them in Parliament, William Willcocks, Esquire, in the Chair, it was resolved unanimously, that Mr. Justice Thorpe be requested to represent the Counties of York, Durham and Simcoe, in the place of our late lamented William Weekes, Esquire, deceased, where it was also resolved, That the meeting should be adjourned to the 7th and the notice appear in the next *Gazette*.

WILLIAM WILLCOCKS

Chairman.

At a meeting, pursuant to the said adjournment (the Chairman being unavoidably absent) the following address was unanimously agreed upon:—

To the Hon. Mr. Justice Thorpe.

SIR,—Overwhelmed with grief at the unexpected death of our late able and upright Representative, Freeholders of the Counties of York, Durham and Simcoe, feel that we have neglected our interests in the season of sorrow. Now awake if it is to you we turn; notwithstanding the great portion of consolation which we draw from the dawning of an impartial and energetic administration.

Fully persuaded that the great object of your heart, is the advancement of public prosperity, the observance of the laws, and the practice of religion and morality, we hasten with assurances of our warmest support, to invite you from your retreat to represent us in Parliament.

Permit us, however, to impress upon you, that as subjects of a gracious and beloved King; as a part of that Great Britain which has for so long a time stood the bulwark of Europe, and is now the solitary and inaccessible asylum of liberty; as the children of Englishmen, guided, protected and restrained by English Laws; in fine, as members of this community, as fathers and sons we are induced to place this confidence in your virtue, from the firm hope, that equally insensible to the impulse of popular feeling and the influence of power, you will pursue what is right—this has been the body of your decisions, may it be the spirit of your counsels.

(Signed by forty-two persons residing in the Town and Township of York.)

When William Jarvis, Esquire, was requested to wait on Mr. Justice Thorpe (who at that instant had arrived from Niagara) to know his pleasure upon the subject of the above address; Mr. Jarvis returned with a favourable answer, which Mr. Justice Thorpe has since communicated in the following terms:—

GENTLEMEN,—With pleasure I accede to your desire, if you make me your Representative, I will faithfully discharge my duty; your confidence is not misplaced, may the first moment of dereliction be the last of my existence.

Your late worthy Representative I lament from my heart; in private he was a warm Friend, at the Bar an able Advocate, and in Parliament a firm Patriot; it is but just to draw consolation from our Governor, when the first act of his administration, granted to those on the U. E. list and their children what your late most valuable Member so strenuously laboured to obtain; surely from this, we have every reason to expect that the liberal intentions of our beloved Sovereign (whose chief

glory is to reign triumphantly enthroned on the heart of a free people) will be fulfilled, honouring those who give, and those who receive, enriching the Province and strengthening the Empire.

Let us cherish this hope in the blossom, may it not be blasted in the ripening.

I am, Gentlemen, very truly

Your obliged and obedient humble servant

ROBERT THORPE.

YORK Nov. 7.

P.S. If influence, threat, coercion or oppression should be attempted to be exercised over any individual, for the purpose of controlling the freedom of election, let me be informed.

R. T.

No. 26.—JUDGE THORPE TO SIR GEORGE SHEE.

(*Canadian Archives, Series Q., Vol. 305, p. 189.*)

YORK, UPPER CANADA

December 1, 1806.

DEAR SIR GEORGE,—I feel at this moment more true comfort in having followed the kind advice you gave me when I was first coming to America, than in all you ever have or can do for me, for in the turmoil and trouble with which I am now surrounded, I have this grand consolation, that whatever I have done, or whatever was done by the Government in the Colony where I was, or whatever I thought might be injurious, or could be beneficial, I have faithfully transmitted to the Colonial Department, in the full integrity of my heart. After the prorogation of the House of Assembly, I informed Mr. Cooke of the temper of the House, and of the ferment of the public mind, I promised to conciliate the one and harmonize the other; I think I have kept my word with him, the enclosed addresses will prove part, & will shew I had taken pains to prepare the people wherever I went to be favourably inclined to the new Lt. Governor, but unfortunately I did not arrive from the assizes, until the end of October. When in our first conversation, I found him imperious, self sufficient & ignorant, impressed with a high notion of the old system, surrounded with the same scotch Pedlars, that had insinuated themselves into favour with General Hunter, & that have so long irritated & oppressed the people; there is a chain of them linked from Halifax to Quebec, Montreal, Kingston, York, Niagara & so on to Detroit—this Shopkeeper Aristocracy has stunted the prosperity of the Province & goaded the people until they have turned from the greatest loyalty to the utmost disaffection. The system pursued is simply this, "get as many dollars as you can for the Governor by land &c. &c." therefore the Loyalists & military claimants who are to pay no fees, are unattended to—thus, the Royal intentions & promises have been violated; next to themselves, their families & friends, they give unbounded tracts of land in the finest situations, at whatever rate of fees they chuse, & then barter this land to our greatest enemies in the States; next, they keep from the House of Assembly all account of the greatest part of the public money, thus denying them the first privilege given by the British act of Parliament, which established their Constitution; next, the Officers of Government they oppress, & by their coercion of the people, I think it my duty openly to declare to the Secretary of State that this Province has not only been rendered useless, but made burdensome to Gt. Britain, & is now driven to the verge of being severed from the Empire, for if there was a convulsion in the states, or a war with England I am convinced the people here would join. Now the present Lt. Governor seems to pursue the same plan, & the only thing wanted he has added, by desiring the printer not to publish anything without his Secretary's approbation, & the consequence is, another press has been sent for by the people, which will only be a vehicle for disseminating discontent; in the infant state of this Colony, when only

indigent Military men were the inhabitants, all this was easily submitted to, but be assured when a labouring man has land in six years he is independent, & in ten he has every comfort.

My system is this,—let the Governor & Executive Council (for there the chief mischief has been done) conciliate & accommodate the people, and fulfil the intentions of the Government of England to the Royalists & Military Claimants—let the fees be regulated under Mr. Wintham's direction by an Act of the Province, let the British Constitution, as intended, be amply dispensed to the people, let the public money be accounted for, and an exertion made to keep the appropriation of the greatest part with the Governor, this will free him from the perpetual imputation of embezzlement & allay ferment,—let the Indian & Marine Department be struck off, & some useless places which have been arrogantly established, & twenty thousand a year may be saved to Gt. Britain, & more satisfaction will be given to the Indians, & prosperity to the Province, because roads will be opened; let fifty thousand poor sufferers in Germany be sent there, & the cultivation of hemp encouraged sufficiently, & in less than ten years you will have more hemp than England can want, & better than Russia ever produced. I do solemnly declare from full investigation, that it is one of the finest & most extensive Provinces in the world, so intersected with water, that it is easy to have communication for thousands of miles, so capable of improvement, that in five years, we could free England from every expence, would take largely of her manufactures, & send her fur, lumber, flour and hemp in abundance—the people who are most loyally inclined (though it has been nearly squeezed out of them) will be most tractable, if you only lead them (they will no longer be driven) the Province under a sensible Governor (not an empty aid-de-camp) with English Constitution & Law will be wealthy & happy, the envy of America, the asylum to which in the first tumult thousands will fly with their property & in the first convulsion between the Northern & Southern States, it will be the post to rally round the Royal Standard, & be the means of reuniting a great portion of America again to Gt. Britain.

From this letter & the enclosures you will have my mind fully, you will have a true state of the Province, Government & People—you will perceive how I am received & considered as a Judge & a private Gentleman, the people will force me into the House of Assembly, this popularity is oppressive, when I can render no service to England by it, I have no object there, then for God's sake take me away, I beg it, from a remembrance of our friend who is in Heaven, for the happiness of my wife, sister, and seven children who are wasting their youth in a wilderness, & for the sake of my own tranquillity & peace of mind if my exertions deserve reward—pardon me for trespassing this long on your time, but as you have anxious wishes for the happiness and tranquillity of the Province, for preventing the waste of British revenue, & in justice to myself, I am sure you will let Mr. Windham (who has a mind fitted for political greatness) know the contents & from the constant communication I have made to the Colonial Department since 1802, he must be satisfied with my good intentions, & acknowledge my indefatigable exertions, though he may not approve of my plans or sanction my system.

I lament that poor Mr. Stanley is coming out as Attorney General, it is beneath him, & inadequate to his support, besides highly improper to go from the Bar to the Bench here (for there he ought to be) as the Council is always Attorney also, not as in England or Ireland, therefore you send a man to judge of persons & property where he has been for or against, as the Acting Attorney. Mr. Justice Powell is gone home, it is said to apply for a pension, he is not a good lawyer, & I have great reason to believe he is not a good subject, he has served long, & has a large family, & I believe wishes to reside in the States. I should hope he would be considered worthy of a pension & Mr. Stanley could come in his place, & would be of great value to Province, for we have not a lawyer here, the Solicitor General was not even a common attorney and knows nothing either text or margin, or if you remove me for Mr. Stanley, and send an active sensible (man) as Attorney General, it would greatly assist the Governor & for a few years the system might go on—but I fear I could do little with Mr. Gore, he appears weak, violent, prejudiced, entirely unaccustomed to

governing, except a Troop of Horse, & the people have now so hung themselves round me, that I fear I would be in his way, yet any other man as Governor I could make happiest of the happy, & his income much better. If any person is to go to the Cape of Good Hope or to Buenos Ayres, or any vacancy in a good climate, I pray of you to think of me, or if Mr. Windham would want me in any other situation, he may depend on my energy, my zeal, my attachment and principle.

I have only now to say, that if you wish me to act here, you may depend on me for carrying any measure you may desire, because I know it will be beneficial to the Empire, and to assure you, that although I am at this moment most miserable, yet that I am most truly your grateful & attached friend

and obliged humble servant,
ROBT. THORPE.

P.S. If you would desire Mr. Gordon to look over my letters to Mr. Cooke you will perceive my fears, & my motives for my exertions to attach the people to the Government.

R. T.

No. 27.—LIEUT. GOVERNOR GORE TO MR. WINDHAM.

(*Canadian Archives, Series Q., Vol. 306, p. 6.*)

(*Extract.*)

YORK 19th January, 1807.

* * * * *

Permit me to observe, that the present situation of this Province requires a firm conduct in the person administering the Government, for I ought not to conceal, that there is a strong spirit of opposition existing, encouraged by persons from whom a different line of conduct might have been expected, and who since the death of General Hunter, by representations (which from the most positive proof, I know to be groundless and false) against the character and conduct of those placed in authority here, have endeavoured to oppose, perplex, and defeat the measures of the Government; under such circumstances, a want of obedience in the officers of the Crown must produce effects, the most pernicious and destructive.

No. 28.—LIEUT. GOVERNOR GORE TO MR. WINDHAM.

(*Canadian Archives, Series Q., Vol. 306, p. 35.*)

(*Extract.*)

YORK, UPPER CANADA 27th February, 1807.

* * * * *

Very soon after my arrival in this Province, I received information of a party, of which Mr. Justice Thorpe, Mr. Wyatt, and a Mr. Willcocks, the Sheriff, were the leaders, that were endeavouring by every means in their power, to perplex and embarrass the King's Government in this Colony.

The invitations made by Mr. Justice Thorpe and Mr. Wyatt to join the party, will appear from the letters of the Solicitor General (B) and Mr. St. George (C).

(B.)

SOLICITOR GENERAL (D'ARCY BOULTON) TO LIEUT. GOVERNOR GORE.

(p. 41.)

YORK 26th December, 1806.

SIR,—I received the honour of your Excellency's letter, alluding to the circumstance of Mr. Justice Thorpe having solicited me to join a party in opposition

to the King's Government and by which letter you are pleased to desire that I will specify in writing the inducement which Mr. Thorpe held out to me to join such a party. With promptitude I shall comply with your Excellency's desire by giving a brief statement of the circumstances. During the sitting of the Provincial Parliament last winter rather a formidable opposition was raised to the measures of Government, previous to an expected Division in the House of Assembly (of which I was a member) on a question somewhat important, Mr. Thorpe took occasion, in consequence of my defence of the Government on previous days, to ask me what I could mean by attempting to defend the conduct of Government. I contemptuously heard him, but from the dignity of his station was induced to inform him that I should have thought he would have been forward in blaming me if I had adopted any other line of conduct. He replied, "he could not refrain from observing that if I did not join the opposite party, he thought I should risk my situation as Solicitor General"—'tis difficult for me to say whether indignation or surprise seized most on my feelings. I remarked that if I was dismissed for adhering to the Government I was acting in concern with, it would be a novel case. I treated the suggestion with contempt, neither could I desist from warmth at what I deemed an Insult. He continued his attack, adding the most indignant Reflections not only on the existing Government, but on the late Lieutenant Governor. His daily attendance at the house coupled with the general tenour of his conduct evinced a determination on his part to aid in subverting the then Government, and cast every obloquy on the previous one. Tho' his general conduct was marked with the most determined disapprobation of every act of Government, yet it is difficult to offer instances, as it was chiefly made apparent by *Observations* or *Gestures*. I have one Instance on a Memorandum taken in the House of Assembly from his mouth during our sitting. The Speaker politely offered him a seat within the Bar (not being a Member). The house were endeavouring to get information respecting Fees payable by Grantees of the Crown. The Clerk of the Council was at the Bar, on being questioned he refused replying, stating that his Oath of Office precluded his examination. Mr. Thorpe, tho' not a Member, observed that the house could compel him to be examined notwithstanding his Oath, and cited Lord Stafford's case, where the Privy Council were obliged to answer.

I have the honour to be, Sir,

Your most obedient humble servant

D'ARCY BOULTON

Sol. Gen.

(C.)

QUETTON ST. GEORGE TO LIEUT. GOVERNOR GORE.

(p. 44.)

YORK 22nd December, 1806.

SIR,—I have received so many favours from the British Government that I think myself bound to it in gratitude, and as a loyal subject of the King, my duty obliges me in conscience to make you acquainted with what I know respecting some Individuals of this place.

A few days since I was desired to call at Mr. Wyatt the Surveyor General, after my arrival there Mr. Wyatt told me that I ought as a man of property join the Opposition to the Government; that the late Governor had acted improperly; that if Mr. Thorpe got into the House of Assembly, they expected he would have a Majority, and then the Government would go to the Devil.

Mr. Thorpe has stated to me that he condemned the conduct of the Secretary of the Province, in not prosecuting the Chief Justice.

The violent abuses I have heard spoke against the Government and your Excellency personally, I will not repeat, as I felt ashamed of myself for having listened to it.

I am, with respect, Sir,

Your most obedient servant

QUETTON ST. GEORGE.

No. 29.—LIEUT. GOVERNOR GORE TO MR. WINDHAM.

*(Canadian Archives, Series Q., Vol. 306, p. 48.)**(Extract.)*

YORK, UPPER CANADA, 12th March 1807.

* * * * *

After the violent and turbulent conduct of the House of Assembly, during the Administration of Mr. President Grant, it affords me the highest satisfaction to inform you, without any attempt of the House of Assembly, to interfere with the measures, or to embarrass the Executive Government.

Not having had the honour to receive any directions from you, on the subject of Mr. President Grant's dispatch No. 14, I directed the sum of six hundred and seventeen Pounds thirteen shillings and seven pence to be replaced in the Provincial Treasury, which had been applied to Public purposes by the late General Hunter, without the concurrence of the other Branches of the Legislature. This measure had the desired effect, by removing every possible ground of complaint, and the House of Assembly evinced its satisfaction, by withdrawing its claim to the appropriation of that sum. A resolution of the House passed to that effect, with only the Dissentient voice of Mr. Justice Thorpe, who has uniformly opposed every measure that could promote the peace, or strengthen the hands of this Government.

I have every reason to believe, at the next sitting of the Legislature, that a sum of money, in proportion to the limited resources of the Colony, will be voted to His Majesty, for the support of the Civil Government of this Province.

I have the honour to be, Sir, with the greatest respect,
Your very obedient humble servant

FRANCIS GORE

Lt. Governor.

No. 30.—LIEUT. GOVERNOR GORE TO MR. WINDHAM.

(Canadian Archives, Series Q., Vol. 306, p. 59.)

YORK, UPPER CANADA, 13th March, 1807.

SIR,—It is a sense of my Duty, in the situation I have the honour to be placed, and my regard for His Majesty's interest, and I will add, for the safety of this Province, that have induced me to trouble you with a tedious narrative, respecting the character and conduct of Mr. Justice Thorpe, one of His Majesty's Judges of the Court of King's Bench; the particulars I have recited are numerous, some of them at first view unimportant, but taken together, disclose in the fullest manner, circumstances respecting that Gentleman, and this Province, which I conceive would be culpable in me to conceal, and I think it is highly necessary that you should be made acquainted with. I therefore with earnestness solicit your attention to the following statement.

Very soon after the arrival of Mr. Thorpe in this Province, his public conduct attracted the notice of all considerate men; the publication purporting to be an Address from the Grand Jury of the Home District (A) in the first public exercise of his Functions as a Judge, evinced a strong disposition to make the Courts of Justice the theatres for Political harangues, and a subsequent one from the Petty Jury (B) (a thing hitherto unknown in this country) afforded a sufficient proof of a desire in the Judge, to encourage strictures on the Government from every description of persons, however incompetent they might be to form any correct opinion upon the subject, or however foreign such a subject might be, from the occasion for which they were convened.

As a proof that these were not the spontaneous effusions of the Bodies to whom they were ascribed, it is notorious that the address, as it was called, of the Grand Jury, was drawn up, and presented, by six or seven at most of that Body, without the concurrence of the rest, not in Court, but at the Judge's House, several days after the Court had risen.

Mr. Weekes, notorious for his revolutionary principles, soon became the most intimate and confidential friend of Mr. Thorpe, this Person who had been a Student at Law, in Ireland, and afterwards under the famous Mr. Aaron Burr at New York, was rather hastily and unadvisably admitted to the Bar, in this Province.

In the Session of the Legislature, held during the administration of Mr. President Grant, the House of Assembly was urged by Mr. Weekes to the most extravagant pretensions and the most violent proceedings. It was proposed to declare the appointment of Inspector of Public Provincial Accounts illegal, and to call the Inspector before the House, to answer for his conduct in the execution of his office; and they actually proceeded to examine complaints preferred before them by Mr. Wyatt, the Surveyor General, and Mr. Jarvis, the Secretary of Government, in the management and emoluments of their offices, and in the course of this investigation Mr. Wyatt carried his misconduct to such unpardonable extremity, as to produce his Commission and the Books of his office, without the permission or knowledge of the President; or even without the pretext for requisition from the House of Assembly (C).

It was generally believed, and it appears from his own declaration to the Solicitor General, and to the Chief Clerk in the Surveyor General's office, that in this extravagant conduct Mr. Thorpe was the prompter, who was constantly within the Bar of the House of Assembly (altho' not a member) and whenever the Partizans of such intemperate proceedings were at a loss, they were accustomed to leave their seats, to consult with him, and in one instance, when Mr. Small, the Clerk of the Executive Council, very properly refused, on account of his Oath of Office, to answer some questions that were put to him relative to the transactions in the Council Office, Mr. Thorpe, (who was not then a member) rose unsolicited to declare to the House, that Mr. Small could be compelled to answer and he had the effrontery to cite as a precedent the case of Lord Stafford (D).

Mr. Thorpe's intimacy with the Surveyor General, and the influence he had evidently over him, taught him to mistake the Functions and to overrate the Power of the House of Assembly, for, when I represented to Mr. Wyatt that his conduct had been highly improper and offensive to the Government, he told me "that the House of Assembly was omnipotent, and that it was his duty to obey it."

To act up in some measure to the high notions of authority they had imbibed from the Judge; the House of Assembly, in imitation of the British House of Commons, on occasions when the safety, or the liberties of the nation, are supposed to be in danger, resolved themselves into a Committee of the Whole House on the State of the Province. Yet with all the clamour raised by Mr. Justice Thorpe, Mr. Weekes and Mr. Wyatt, about grievances and oppression, words constantly in the mouths of our Provincial Demagogues, the result of this inquiry was to recommend some further indulgence as to time, to the Loyalists and Military Claimants for obtaining their Patents free of expense, and some greater facility to the sons of those Persons who had adhered to the Unity of the Empire, in their application for Land.

On the Western Circuit Mr. Thorpe's disposition and conduct were efficiently evinced by the address of the Grand Jury of the District of London (E), which he has ostentatiously given to the Public. The general impression, with respect to this address, more properly calculated for a Faction Political Committee, than a Court of Justice, is that the address of the Jury was prepared by Mr. Weekes, with the concurrence of the Judge, of which Mr. Thorpe's answer, if there were no other proof, seems to furnish internal evidence, and that by the solicitation of Mr. Weekes, the persons who were plain, uneducated men, were induced to subscribe their names to it, without being fully aware of its dangerous tendency.

On Mr. Thorpe's return to Niagara, the same indecent language against Persons, high in authority, and calumnies against the late General Hunter, Mr. President Grant, Chief Justice Allcock and Mr. Justice Powell, though wholly irrelevant to the cause before the Court, were again heard at the Bar and passed without reprehension from the Judge (F).

The indecency of Party Spleen and private animosity being permitted to take place in a Court of Justice, was not allowed to pass without animadversion by one

of the Counsel (retain'd in the same cause with Mr. Weekes). This took place on a Monday, and his strictures at the time were little noticed by Mr. Weekes, who the next day made an excursion into the country, and after passing the evening and the greater part of the night of Tuesday at a Tavern with the Judge and some other of his friends, he, on the Wednesday, sent a challenge to his Brother Advocate, and in consequence fell, the victim of his own turbulence, and as is generally believed, of the indiscreet suggestions of the Party who met at the Tavern.

The opportunity this gave to Mr. Thorpe of openly standing forth as a Factious Demagogue, was not neglected; he was proposed by the Democratic Party as a proper Person to succeed Mr. Weekes in the House of Assembly; and by the most solemn assurances, that he would pursue the same line of conduct, he secured his Election. The solemn mockery of his invoking at the opening of the Poll, the shade of his departed friend, "as looking down from Heaven with pleasure on their exertions in the cause of liberty"; The seditious emblem of his Party (a Harp without the Crown) (G); Thorpe and the Constitution inscribed on badges, which he distributed to his partisans, and his almost Treasonable allusion to the American Resolution at the close of the Election (H), are indeed ample proof, that he was not an unworthy successor to Mr. Weekes.

I had urged to Mr. Thorpe the impropriety of a Judge becoming a candidate for a seat in a Popular Assembly, and if such a step was ever doubtful, the circumstances attending this Election suffice to shew it, in the strongest point of view. Mr. Thorpe on the hustings was frequently engaged in altercations with a Rival Candidate and his Electors, and was occasionally assailed with the severest and most humiliating sarcasms, on his private character, as well as his Public conduct; he has lost for ever that respect which his situation on the Bench ought, and is calculated to inspire, and it is impossible to suppose, that in the exercise of his Judicial Functions, he can be indifferent between his Friends and his opponents; that he can forget the hostility and abuse of the one, or the favour and support of the other.

Two mechanics of low education and worse character are amongst Mr. Thorpe's intimate associates, one of them (Eliphatt Hille) was presented by the Grand Jury for blasphemy, and as I am informed escaped conviction only by the removal of a witness.

Mr. Thorpe's conduct, since he has been elected a Member of the House of Assembly, has been most inflammatory; and however it is to be lamented that the Government have not greater influence in the House of Assembly, for during the Session which has just closed, he had been unable to carry any one point to embarrass the Government. He moved an address which was most insidious and inflammatory, on the subject of those Persons who had adhered to the Unity of the Empire, which was rejected. In his proposal for vesting the Power of Appointing Trustees to the Public Schools in the House of Assembly instead of the Lieutenant Governor, after a violent Declamation and abuse of the Executive Government, he asserted, that it was the privilege of the House of Assembly to nominate to office; in this attempt he was supported by two only; and on a question relating to the Duties imposed by the 14th of the King (which Mr. Thorpe contended was at the disposal of the Provincial Legislature) he stood alone! and I am happy to observe, that in the instance of a Judge of the Court of King's Bench making an attempt to derogate from the authority of the British Parliament, he would not in a popular assembly, prevail on a single person to join him, notwithstanding his Pathetic allusions to the Revolt of the American Colonies.

When the business of the Session was nearly concluded, an address was moved in the House of Assembly to relinquish their claim to about Six Hundred Pounds, which had been taken out of the Provincial Funds, and appropriated by the late General Hunter (to particular Colonial purposes) without the concurrence of the other Branches of the Legislature, this measure was opposed by Mr. Thorpe with his usual violence but without effect.

I have enclosed for your information, a statement of what passed, at the first interview I had, by appointment, with Mr. Justice Thorpe, soon after my arrival

in this Province, and my remarks on what passed at that interview (No 1). However absurd and malevolent some part of Mr. Thorpe's assertions may be, and however it may betray the Ignorance and indecent warmth of that Gentleman, these circumstances might be overlooked and forgiven, had his observations been reserved for my ear alone, but it is notorious that Mr. Thorpe, upon all occasions, is anxious to introduce and enforce those Topics, and that he has not only made them the constant subject of conversation in all Companies where he is admitted, but the Theme of his Declamation in the House of Assembly, and the Rule of his Political Conduct.

Mr. Thorpe having accused the late Government of Peculation, I call'd upon him to state to me in writing, the particular acts of Peculation that Government had been guilty of; I transmit Mr. Thorpe's answer and my observations on his letter (No 2).

Such, Sir, is the career and such has hitherto been the conduct of a man, whose peculiar duty it is to inculcate subordination, and to recommend and enforce respect and submission to the Government. So has the confidence and liberality of the British Government been abused and perverted by some of its officers in this Colony, and the friends of good order have seen with regret and indignation, Persons sent into the Province with large salaries and in high official situations, industrious only in doing mischief; spreading discontent amongst the Inhabitants; urging the Democratic Branch of the Constitution to the most extravagant assumptions of authority and endeavouring, by every means in their power, to embarrass and weaken that Government, which they were sent to aid and support. Emissaries sent by an Enemy to seduce the affections of the people would be much less dangerous, their suggestions would be received with caution, and listened to with suspicion, but when the Common People hear a Judge declaiming openly against the King's Government, and see him opposing all its measures, they cannot fail to think that something must be wrong; little accustomed to that eccentricity of character, when honour, duty and even Interest lie prostrated at the feet of vanity; it is impossible for them not to suppose that this conduct must have some better foundation than the working of a perverse self importance, determined at all hazards to be distinguished.

The above narrative I am aware is long and unpleasant; I have stated every circumstance from an anxiety that you may not be misguided by a partial representation. The documents to which I refer speak for themselves, and authenticate my statement.

The next circuit commences early in August, when Mr. Thorpe will have another opportunity of disseminating his opinions, I therefore most earnestly request, that you will honour me with your Instructions relative to this Gentleman.

I have no hesitation in giving my opinion, that if His Majesty is pleased to permit Mr. Thorpe to retain his situation in this Province, that the most serious evils may be apprehended. And I might not conceal from you, that I have been urged by the most respectable Gentlemen in this Colony, for the sake of Public tranquillity, to suspend Mr. Thorpe from his situation as Judge; this advice I have resisted, having time to receive your directions, before the commencement of the Circuit; and confidently relying on your support to maintain order and authority in this Province,

I have the honour to be, Sir,

Your most Obedient Humble Servant

FRANCIS GORE

Lt. Governor.

(A.)

ADDRESS, GRAND JURY OF THE HOME DISTRICT TO JUDGE THORPE.

(p. 72.)

To the Honourable Justice Thorpe.

We the Grand Jury of the Home District beg leave to return you our sincere acknowledgments for the most excellent charge you were so good as to give us on

this our first appearance before you on the Bench; a charge delivered with such complacency and dignity, has excited in us the most lively sensations of satisfaction and pleasing prepossessions.

The energy and clearness with which you laid open to us our duties, has created in us a fervent desire to fulfil them, and must forcibly impress the country at large with that submission which they owe to those Laws which are their protection, and the aiding and assisting those to whom the execution thereof is entrusted.

In a new country like this, rapidly progressing in population, in improvement and prosperity, a Country where all Ranks of Society should harmoniously unite for general and individual comfort and security, it has been afflicting to us to be under the imperious necessity of presenting to you at our first meeting, an indictment for riot and an assault on the legal Constituted Civil authority; but we fervently hope, the clear explication of the law, and the tender caution which you so impressively addressed to the Country, will prevent any, through the plea of ignorance or bad advice, from committing future outrage. And from the firmness we have witnessed in you, we rejoice in the anticipation of tranquillity from the effects thereof; confident that the Sword of the Law, while it protects the peaceful subject, will execute its just vengeance upon the Disturbers of the Public Repose.

WM. JARVIS

for himself and fellows.

York, 30th October, 1805.

Answer.

GENTLEMEN,—In the discharge of my duty, to receive this kind and truly flattering work of your approbation, is highly grateful.

A young country particularly calls for care and attention; the bad habits of infancy are the miseries of age; but nurtured by your energy and zeal, we will advance to maturity, laden with the blessings of Constitution and Commerce; the best testimony of your services, the rich reward of your exertions.

As we love liberty, we must uphold the law, for liberty consists in freedom from restraint, except such as established law imposes for the good of the Community; therefore when the restraints of the law are overthrown, anarchy reigns, until the people in this lassitude of contention, succumb to tyranny, feeling the worst of Governments better than none.

Be assured we will convince the public we labour only for their happiness; disorder shall blushing retreat to the barbarism from whence it sprung, leaving the Sword of Justice to rust in the scabbard, while the polish of tranquil civilization will illumine the Province.

We must toil together in the vineyard, we must train, we must prune, the People will gather the fruit.

I have the honour to be, Gentlemen,

Your obliged and very humble servant

ROBERT THORPE.

(B.)

ADDRESS OF THE PETTY JURY TO JUDGE THORPE.

(p. 75.)

To the Honourable Mr. Justice Thorpe.

HONOURED SIR,—Deeply impressed with the paternal and salutary admonitions contained in your benevolent and instructive charge of that part of his Majesty's subjects, convened as Jurors at this present Court. We cannot suppress the testimony, pleasure and gratitude we feel at your appointment as one of his Majesty's Justices in this Province. Convinced as we are of the high pre-eminence of the British Judicial Code, we beg leave to assure your Honour, that we want nothing but clear exposition of our duty, to direct us in the entire and perfect dispensation of Justice, so far as facts and our powers of jurors may enable us.

Permit us, Honourable Sir, whilst paying this tribute to yourself, to say, that we have the most lively sense of the general and particular protection of person, property and individual right, which the British Government affords to all its subjects; and that our feelings, loyalty and our attachments are in unison.

While we have the honour to subscribe ourselves &c. &c. &c.

Answer.

To the Gentlemen of the Petit Jury.

GENTLEMEN,—I delight in the sentiments of your Address; they are truly gratifying to me, they are highly honourable to you; they have driven calumny to shame, and established the purest principles, with the most upright conduct for universal imitation throughout the Province.

These are the paths to public prosperity, these are the ways to preserve liberty and property and secure them undiminished to yourselves and posterity.

Our only contention shall be, who will make the greatest exertion to maintain the connection, the Law and the Constitution of Great Britain, and render to the Province and People the most valuable service.

Be assured, Gentlemen, I am truly your friend

ROBERT THORPE.

YORK, March 29th, 1806.

(C.)

DONALD McLEAN, CLERK OF ASSEMBLY, TO W. HALTON, SECRETARY.

(p. 77.)

CLERK OF THE HOUSE OF ASSEMBLY'S OFFICE,
YORK 1st February, 1807.

SIR,—In answer to your letter dated yesterday, I have the honour to acquaint you, for the information of his Excellency the Lieutenant Governor, that C. B. Wyatt Esquire, the Surveyor General, appeared at the Bar of the Commons House of Assembly last Session, and there produced his Commission (which was read by a Member standing up in his place) and the Books said to belong to his office; the House was then in a Committee of the whole; no warrant had issued from the Chairman of the Committee to command the attendance of the Surveyor General to produce either his commission or the Books of his Office.

I have the honour to be, Sir,

Your most Obedient and humble Servant

DONALD McLEAN

Clerk of the Commons House of Assembly.

WILLIAM HALTON, Esq.,

Secretary to His Excellency the Lieut. Governor.

(D.)

MR. D'ARCY BOULTON TO LIEUT. GOVERNOR GORE.

26th December, 1806.

(See No. 28 of this note, enclosure B.)

(E.)

GRAND JURY, LONDON DISTRICT TO JUDGE THORPE.

17th September, 1806.

(See No. 21 of this note.)

(F.)

HON. ROBERT HAMILTON AND JOSEPH EDWARDS ESQUIRE TO LIEUT. GOVERNOR GORE.

(p. 83.)

Copy of a Letter from the Honourable Robert Hamilton one of His Majesty's Legislative Councillors, Lieutenant of the County of Lincoln and a Magistrate for the District of Niagara and Joseph Edwards Esquire also a Magistrate for the said District, to His Excellency Francis Gore, Lieutenant Governor of the Province of Upper Canada.

SIR,—The very extraordinary circumstances which have occurred at the last assizes for this District, and which unfortunately have led to the death of a Member of the Society; we think it our duty, as we had the honour to be associated on the Bench with Mr. Justice Thorpe, to state to your Excellency. In a case in which Mr. Weekes the Attorney was employed, he took the opportunity while addressing the Court, to introduce the character of our worthy late Governor, Lieut. General Hunter, the Chief Justice Mr. Allcock, and several others of the most respectable characters in the Government of this Province, and to rail against them with the utmost degree of asperity. General Hunter he stigmatized with the epithet of "Gothic Barbarian whom the providence of God had removed from this world for his tyranny and Iniquity."

He stated Mr. Chief Justice Allcock as having a personal animosity against his present client and as having been the cause of the Indictment being preferred, and attempted to turn his character to ridicule by relating idle stories equally (as we believe) groundless and malevolent.

The presiding Judge sat with the greatest composure to hear this abuse, tho' totally irrelevant to the cause then before him, if he did not applaud, he certainly shewed no serious signs of disapprobation.

We his associates indignant at this indecent conduct from the Bar, and at the apathy in the Judge, would have left Bench to show our resentment, had not respect for the Court detained us, resolving however most determinedly never to be exposed to the like again, by declining this and all other duty with this Judge. Mr. Justice Thorpe had the day before requested the early attendance of the person whose signature is first to this paper, assigning as a reason, that he understood a very elaborate argument was to be given by Mr. Weekes. As the argument produced was elaborate only in malice and misrepresentation, we are tempted to believe that the Judge if not aiding in the falsification, was certainly previously acquainted with the matter it contained, and that it was not delivered without his privity and probable consent.

Your Excellency has doubtless been informed that this Mr. Weekes has since fallen a sacrifice to his malice and obstinacy; here too we fear the interference of the Judge, or of his part, operated in forwarding the melancholy event. We are assured that for some time after Mr. Dickson's replication to this speech in which he warmly reprobated such language as disrespectful in the highest degree to a Court of Justice, and most probably arising from private malevolence and the rancour in the speaker's mind, Mr. Weekes showed no signs of particular resentment to Mr. Dickson; that he even had left Niagara on his return to York and unexpectedly returned the following morning and gave a challenge from which no reasonable explanation could induce him to recede. We have strong reasons for thinking that the conversation of this Party, that perhaps some rash promise given when warm, produced that obstinacy which proved fatal to him.

In the above statement we have carefully recited facts to the best of our recollection. In matters of opinion we have to request you to excuse what may appear erroneous.

And we are with sincere respect

Your Excellency's most obedient and very humble servants

R. HAMILTON,
JOSEPH EDWARDS.

(G.)

THOMAS B. GOUGH TO THE ELECTORS OF YORK, DURHAM AND SIMCOE.

(p. 87.)

To the independent and respectable electors of the County of Durham, the East Riding of the County of York and the County of Simcoe, who honoured me with their support at the late election.

GENTLEMEN,—Permit me to return you my most sincere and grateful thanks, for your exertions in my behalf in the late contest; exertions as honourable to you as flattering to me; although your efforts have not, on this occasion, obtained their merited success, I pledge myself to pursue my endeavours where I hope and have a confidence of obtaining the object of your wishes.

You went to the hustings, Gentlemen, under the banners of liberty, loyalty and union, with hearts animated with pure love of King and Constitution, and many of you have proved your attachment thereto by shedding your blood in their support; but your opponents were preceded by the standard of Discord, Anarchy and Rebellion, which in another part of the Empire has led thousands to a premature Death, and many who escaped the horrid carnage of the field expiated their Treasons in the vain attempt to sever the Crown from the Harp, by an ignominious exit at the Gallows and their heads were affixed as public spectacles, to warn the deluded; but charity and the honour of this country impels me to hope it was only the incautious indiscretion of the unthinking.

I have also to return my thanks to many, who on account of the lateness of my offering myself as a Candidate, had so far previously engaged themselves, as not to be able to retreat with consistency, though I had their warmest wishes, I could not avail myself of their support.

Persevere, my friends, in your attachment to your King, maintain the good order you have been accustomed to, pursue your industry, and cherish your domestic comforts; follow the dictates of reason, but be not deluded by discontented Demagogues and when other parts of the world may be desolated by the ravages of war, or agitated by internal commotion, you will be tranquil and secure.

I am, Gentlemen, with gratitude and respect,

Your faithful humble servant

THOMAS B. GOUGH.

YORK, 8th January, 1807.

The following is the answer to Mr. Gough's address (enclosure A). The answer is in Series Q., Vol. 310, p. 74.

At a meeting of the independent Freeholders of the East riding of the County of York, and the Counties of Durham & Simcoe, held at Hoyle's Tavern, Jun. 13th, 1807.

William Willcocks Esq, in the Chair.

The following resolutions were unanimously agreed to.

Resolved, That as part of an address signed Thomas B. Gough & published in the *Gazette* of the 10th January, tends to irritate and influence the public mind & as it might be used as an instrument for misrepresenting the loyal, independent & constitutional exertions of the Freeholders who voted for Mr. Justice Thorpe, We feel it our duty to declare, that the second part of said address is false, malevolent, calculated to sow the seeds of discontent & to diffuse ideas of the most dangerous tendency among the people.

Resolved 2. That the aforesaid Electors were not preceded by any Flag of Discord, Anarchy or Rebellion, but were preceded by the most appropriate & constitutional flags, neither borrowed or hired for the occasion, but constructed by themselves. The first large flag was *blue*, with *G. R.* and the *King's Crown* over it, the Union Cross in the corner & at the bottom the Royal motto *Dieu et mon Droit*. The second pink flag with *The Freedom of Election* worked on it, & three smaller ones of dark blue, with the Harp (as taken from a compartment in the British

standard) surrounded with those words *The King, the People, the Law, Thorpe & the Constitution*, more loyal or constitutional symbols could not have been displayed upon any occasion.

Resolved 3. That we know no discontented Demagogues, nor if we did could not be deluded by them, many of us have fought, bled & sacrificed our families & properties for the British Government, we have exerted & ever will exert ourselves to preserve the freedom of election from all undue influence to the last moment of our lives shall be ready to support our King & Constitution.

Resolved. That the above Resolutions be published in the *York Gazette*.

W. WILLCOCKS, *Chairman*.

The printer was not permitted to insert the above Resolutions in the *Gazette*, not to print them in any shape.

Endorsed. The violent address of Mr. Gough the Government candidate, ordered by the Secretary to be printed & the mild reply of the independent Electors which was refused.

This will show the exasperating arbitrary propensity of the Government and the state of the press, which is turned to an instrument to calumniate & misrepresent the people who are most loyal and most attached to England tho' dreadfully oppressed after having made every sacrifice in life for their King.

(H.)

WILLIAM ALLAN TO LIEUT. GOVERNOR GORE.

(p. 89.)

YORK, 5th January, 1807.

SIR,—I consider it my duty as Returning Officer at the late Elections, to inform your Excellency that Mr. Justice Thorpe is returned as Member.

Mr. Justice Thorpe, after the closing of the Poll, made a long harangue to the people then present (mostly his voters) as I conceived tending to disseminate principles by no means favourable to the Government of this country, telling them "they did not know their value to Great Britain; there was no Law in this Country "to prevent their meetings; that the Habeas Corpus Act had never been suspended "here." He reminded them "of the separation of the United States from Great Britain—He loved the people" &c., which appeared to me was intended to impress them with an idea, that their situation in this country might render them Independent of Great Britain.

As a Magistrate and a loyal subject, I have felt myself called upon to state the above circumstances to your Excellency.

I have the honour to be with due respect,

Your Excellency's most obedient servant

WM. ALLAN.

No. 1.—CONVERSATION BETWEEN JUDGE THORPE AND LIEUT. GOVERNOR GORE.

(p. 99.)

Conversation which took place between the Lieutenant Governor and Mr. Justice Thorpe, in the presence of William Halton Esquire, the Lieutenant Governor's private Secretary.

31st October, 1806.

A. Mr. Justice Thorpe came by appointment and began by stating the great public benefit (as well as private advantage to the Governor) that would ensue upon Government purchasing a Tract of Indian Land between Sandwich and Malden, about seven miles square; and which might be particularly appropriated to the successful culture of Hemp.

B. Presented some Certificates from Persons who had grown hemp and could not obtain the promised Bounties, which caused dissatisfaction, also Memorials from the Grand Juries of London and Sandwich, about the very bad state of their respective Prisons and Roads.

C. He next observed with much warmth and emphasis, that the whole of the late Governor Hunter's Government had been a system of coercion, that then the little Magistrates about him had been taught to coerce; and that the People had been treated as if they had been soldiers.

D. When pressed by the Governor to be specific; he said a considerable part of the discontent arose from the manner in which Mr. McGill had treated the U. Es., and that he, in fact, was the man who had governed the Province, for that a U. E. might pass both the Governor and the Council, but that, Mr. McGill either put him on the U. E. list or not, just as he pleased.

E. That this delightful Province, which was intended to be a Bed of Down for those who had fought and bled for their King and their Country, had been stripped of its Down, and planted with Thorns, to enrich a few individuals.

F. That the U. Es. perceived with the greatest concern and discontent the very People against whom they had fought and contended in the Field, procuring Lands and living comfortably, while they themselves were starving.

That the U. Es. who came into the Province, were highly disgusted at seeing Mr. McGill so high in situation, when they had known him so low amongst them in America.

G. That Mr. McGill's appointment by General Hunter, to be Inspector General, was impudent, illegal, and an affront to the King, as two Departments for that purpose already existed; viz.: Mr. Russell, the Auditor General and the Executive Council.

H. That the House of Assembly were well aware of the illegality of Mr. McGill's being Inspector General, and that they meant to have made it subject of Debate last Session, had he not conciliated them, and prevented it.

I. That Mr. McGill's sitting in the Council was also illegal during Mr. Grant's administration, inasmuch as he only sat, under a mandamus which specified, that he was only to sit in Council, when summoned to do so by the Governor, as a supernumerary.

K. That the same circumstances exactly applied to Mr. Chief Justice Scott's sitting in the Council.

L. That these two Gentlemen were the Persons who made Mr. Grant President; that they had asked his opinion about it and he told them it was not legal; as the Seniority of Councillors depended on the priority of their taking the Oath, that Mr. Russell had taken the Oath first, but it did not much signify, which of the two old women administered the Government.

M. That both Mr. Scott and Mr. McGill had risen from the lowest situations and were exalted to the highest, to the great detriment of the Community, and that neither of them had any more right to sit in the Council than Mr. Halton or himself.

N. That there was a Book in the Council which would prove Mr. McGill's having put names on or off the U. E. list, or altered them just as he pleased. That there was a Gentleman, an Englishman, and a man of honour, who could inform the Governor of the foregoing circumstances being true, and that Mr. Small was the man. (Note in red ink: See Mr. Small's letter marked O). On being asked if he had derived his information from Mr. Small, he replied he had not, but he had mentioned these matters to Mr. Small who was surprised at his having such information; shook his head and allowed it to be true.

P. That from the uniform system of coercion that had been pursued the People were highly discontented, and from this cause it had been said that two hundred Americans might take the Province from one end to the other and he believed the Government to have been so bad that it could not have lasted more than three years.

That the last Government had not influence over three Members in the House, not even to get a common Bill read, for which purpose he had been applied to;

that in his sittings as Judge the discontents of the People against it were very strong, and that altho' his own mind was full of their peculation and viciousness, he had thrown it only on their incapacity, and addressing the Governor very earnestly said, were his Sovereign sitting before him, he should think it his duty to inform him of these circumstances. (Note in red ink: See Remarks on Mr. Thorpe's letter of the 18th November, 1806).

That all the Offices had been ill treated; Mr. Wyatt's, Mr. Jarvis's and Mr. Small's, that Mr. Wyatt had great restrictions placed on him, tho' his Commission vested him with full powers, but that all depended on Caprice, for People stood [high] today and low tomorrow and the rate of fees just the same.

Q. That another source of discontent was the scandalous multiplication of Indictments for private benefit; because the Attorney General had got seven pounds ten for them.

R. That every thing here ought to be like England; and that such a disposition might probably allure the Northern States of America into the arms of Great Britain.

He believed General Hunter was clean handed (note in red ink: See Mr. Thorpe's letter of the 18th November, 1806), but as the people were ignorant to what purpose Twenty Dollars of every Fee for a common lot were appropriated, it left doubts and suspicions against him in the public mind; and People in conversation observed to each other, they could not comprehend how these Twenty Dollars were disposed of.

S. That taking fees in the above mode was a bad one, and that by proper management, they might be regulated and taken under an act of the House.

That some paltry abatement of fees, of five pounds, had been made to favour Lord Selkirk, which gave great dissatisfaction.

That Mr. Russell had agreed with him that everything had been carried on in a most scandalous manner, and also coincided with his Opinion of Mr. Scott and Mr. McGill, but he did not know whether Mr. Russell would acknowledge it now.

T. That the People of this Province were extremely well disposed, and that the smallest coincidence with their wishes would do a great deal.

That the Governor came into the Province at a very favourable period; the public mind being much irritated; and that by a different line of Conduct, he had it in his power to attach the people to him enthusiastically. When asked to Commit the Heads of his Conversation to writing, he declined doing it, as well as making any specific charges in the same way against Mr. McGill.

WM. HALTON.

REMARKS ON THE PRECEDING CONVERSATION.

(p. 31.)

A. That the successful culture of Hemp would be of great and general advantage to the Province is beyond a doubt, and the Legislature, as well as the Executive Government have shown every disposition to encourage it, but without any great effect hitherto. How the tract of Land here intended, could be applied to this purpose, is not explained—the lure he throws out of *Private advantage* to the Lieut. Governor looks very like a wish to make a job of it.

B. The Certificates to persons who had grown Hemp, and received them before the expiration of the Law; altho' they could not be presented in time to the Commissioners at York, ought in justice to be paid, and the Legislature will doubtless make the necessary appropriations for that purpose. With respect to Prisons and Roads, Provision is made by Law, by local assessment and labour for both these objects. But the Legislature has been too hasty in erecting new Districts at the solicitation of the Inhabitants, who now complain that they are not able to support the Burthen of their Organization. The subject is well worthy the attention of the Legislature, but though Mr. Thorpe has talked wildly enough about Roads in the House of Assembly, he has said nothing about Prisons, as he knows that an appropriation from the Provincial Fund for the benefit of any particular District would be rather an unpopular subject.

C. With the full benefit of the English Laws the system of Coercion (if he means anything else than a settled disposition to enforce the Laws) ascribed to General Hunter, and the subordinate Magistrates is impossible. General Hunter did indeed, and very properly, expect and strictly require every man in public office to do his duty.

D. With respect to the U. E. Loyalists and Military claimants, the Government of the Province, so far from having interposed any Barr to the intended Bounty of the Crown towards them, have indulged them much beyond the Intention of the original orders in their favour. In 1788 an order of the Governor and Council of Quebec extended to every description of Military Service the additional Quantity of Lands allowed to Officers of the 84th Regiment, and in 1789 another order directed that the children of the U. E. Loyalists, on their coming of age, should have 200 acres of Land free of Expense. But both these Orders were expressly confined to Persons who had duly improved their first locations, thereby evidently intending to limit the benefit of these orders to those then actually within the Province; partly no doubt upon this obvious principle, that those who shrank the hardships and toil of settling a new Country, ought not after it had been cultivated and the Lands made valuable by the labours of others, have the same indulgence as the original settlers. But instead of adhering to any principal of this kind, the Government of this Province, until the administration of General Hunter, departed both from the letter and spirit of those orders, and extended the Benefits of them to all who came into the country before the year 1798, at which period all grants under Provincial Authority were put an end to (except those to the children of U. E. Loyalists) by Instructions from His Majesty. Yet Mr. Thorpe and others of his stamp, not attending to, or probably ignorant of, these circumstances, cry out against the Government for stopping even here; and are at great pains to persuade Emigrants from Nova Scotia and others of His Majesty's Colonies, where they have probably had Lands, and every other Bounty originally bestowed upon the Loyalists, that they are injured and oppressed, because they cannot even now, obtain Lands free of expense.

M. The insinuations against Mr. McGill and Mr. Scott respecting their former exertions, betray the Rancour of a little mind. Even were they true, they could derogate nothing from their respectable character.

N. In making up the U. E. List many Errors were committed in all the Districts; the names of persons inserted who were merely Military claimants or who had been residents in Provinces not involved in the American war, or in some cases of those who had emigrated from the American States since the Treaty of 1783. It was doubtless the duty of Mr. McGill, as Inspector General to report such cases (and there were many) and to prevent the Government from being charged for the passing of Patents to People who had no just Titles to receive them free of expense.

F. That some persons engaged in promoting the American Revolution have obtained lands in this Province, must, I fear, be admitted, and that in general too much has been given to Emigrants from the American States, for the future Peace of the Province, though much to be regretted is too true; for the rest, if People are poor in this country, it must be because they will not be industrious. Diligence and Idleness will everywhere produce the same effect, the difference is not confined to any system of politics.

E. If this Province becomes a Bed of Thorns, it can only be from the Principles that Mr. Thorpe is most industrious in disseminating. He indeed is very busy in sowing and cherishing the seeds of Ingratitude and Disloyalty. How the arrangements in the Land Granting Department can have a tendency to enrich a few at the Expense of the Majority, it is impossible to conceive. Officers of course have had larger Grants than Privates, yet the latter have been provided with larger allotments than they had any reasonable claim to, and those who are not so unfortunate as to have such People as Mr. Thorpe in their neighbourhood (to make them imagine grievances where they felt none) are, as they have reason to be, very well satisfied.

G. That the appointment of Mr. McGill as Inspector General has been highly useful, experience has proved, and it is doubtful whether Mr. Thorpe has betrayed his Ignorance or his Independence most, in speaking of it in the manner he does.

H. It was he who urged, instead of preventing, the ridiculous attempt to persuade the House of Assembly to call in question the Legality of this appointment.

I. With respect to Mr. Grant, it would seem that in determining the seniority of the Executive Councillor, the circumstance of his name being first on the list transmitted, and made up at home, on the first organization of the Province must be decisive.

The Executive Council never did consult Mr. Thorpe on this subject.

I.K. The remark of Mr. McGill and Mr. Scott's sitting in Council only under particular circumstances seem altogether futile. Yet Mr. Thorpe has taken all possible pains to make it be believed that Mr. Grant was placed improperly at the head of the Government, and that in consequence every act of his administration was illegal.

P. Truth is always consistent, but what can be said of a man who in the course of one conversation asserts that the people are so discontented, that it had been said "two hundred Americans might take the Province" and (P.) a little after that the "people were extremely well disposed, and that the smallest coincidence with their wishes would do a great deal"—the plain English of all this is, let me dictate to you, and everything will go well. *I, the People*, though not the actual language is in reality a characteristic motto of Mr. Thorpe and every other factious Demagogue.

Q. Almost scandalous assertion that many Indictments must here be tried at the Assizes that are in England decided at the Quarter Sessions is unavoidable, for where these involved a point of Law, there are few of the Magistrates in the country capable of forming a correct Opinion on the Question, and should they even happen to be right, their decision would not have the proper degree of weight.

R. In prosecution of the idea that everything here ought to be like England, Mr. Thorpe has been endeavouring to urge the Assembly of this Province to act [as] though it was the Representative Body of an Independent State, and even to arrogate to themselves a Right to dispose of the Property of the Crown, which the British Parliament has never assumed.

S. There is a most insidious attempt to introduce the House of Assembly into the Management and disposal of the waste Lands of the Crown.

FRANCIS GORE

Lt. Governor.

O. Copy of a letter from John Small Esq, clerk of the Executive Council to William Halton Esq, the Lieut. Governor's private secretary, dated Council office, 16th November, 1806.

Sir,—In obedience to His Excellency the Lieut. Governor's command, I inform you that there is a Book kept in the Council Office, called the U. E. list, in which several names have been, some expunged and others suspended; but how far Mr. Justice Thorpe can conceive himself justifiable in stating to His Excellency that Mr. McGill has put on and taken off, or altered names at his pleasure in this Book, I know not, but I positively deny acknowledging to him that such a statement was true.

I have the honour to be, Sir,

Your most obedient humble servant

JOHN SMALL

C. E. C.

No. 2.—JUDGE THORPE TO LIEUT. GOVERNOR GORE.

(p. 106.)

YORK, 18th November, 1806.

Sir,—Altho' no person has any right peremptorily to desire me to specify in writing, the particular acts which brought conviction to my own mind on any general matter which had not been investigated before me judicially, yet as I am most anxious to gratify your Excellency, I will specify such acts as I have heard of, and can immediately recollect, as assisted in giving conviction to my own mind, that there was peculation in the late Government.

I must call your Excellency's recollection to the conversation which gave rise to this cursory observation, when on the subject of the late Government, I remarked it was insinuated that I wished to embarrass them (you know from what I have related it was my duty not to countenance them) but I did assure you, that I never had publicly spoken or written anything against them, until the London address forced some observation from me, and that I only imputed incapacity to them, altho' my own mind might have been impressed with a conviction that there was speculation, I also did assure you most truly that I did prevent the investigation of subjects, which would have severely annoyed them, because I knew these subjects would create still more discontent in the Province, I mentioned my surprise that General Hunter (who I believed to be as pure a man as to public money could be) would lay himself open to the insinuation of having embezzled public money, because he never brought into the public accounts, money raised by fees on Lands, nor by the Revenue sent from Lower Canada, thus having shown I did not mean to insinuate anything against the late General Hunter, I come to these things which I have so often heard of, that my mind is impressed with an idea, that there has been speculation in the Officers of Government, the immense tracts of land in the best situations, given to themselves, their families, relatives and friends, when others better entitled have been refused, their charging themselves, families, relations, and friends, smaller fees than others equally entitled; their charging fees to some and not to others in similar situations, their charging fees to those they had no right to charge, and after holding them for years, when threatened with prosecution their having refunded them, and their having taken fees and not accounting for them; various accounts, I have also heard, are completely kept back from the Public eye; these are what I can immediately call to memory, that impressed me with that conviction, but the investigation of such things I could not go into nor the proofs ever seek for, or suffer any one to relate, because some of them were to have been brought before the Court this last term, and on the issue many more might have followed, I repressed but could not control observation.

Permit me now to remind your Excellency, that our conversation was private and confidential, that the force of my observations tended to shew that the system pursued by the late Government had stunted the growth of the prosperity of the Province, had kept it useless to the Mother Country, and had brought it to the verge of being lost to Great Britain; also I endeavoured to impress on your mind, that at the very moment England wanted every guinea she could raise, to support her in the glorious contest she was engaged in, that these were useless and burthensome Departments here, which might be struck off, by which twenty thousand a year could be saved to England, and more justice and satisfaction given to the People here; I thought it but doing my duty to my King and the British Government to make that statement, and when I brought representations from Districts which I had passed thro' as Judge of Assize, I considered it my duty to your Excellency's Government to make such observations as might tend to benefit the Province, harmonize the People, preserve and render it valuable to Great Britain, and I must remark that I had not the slightest idea, that a cursory observation, on an impression made on my mind, the proofs of which I never could investigate, nor ever suffer to be related, should be the only point noticed, while the great objects I endeavoured to impress seem to have escaped attention.

Considering your Excellency as representing my Sovereign, from whom I should withhold nothing, I have put in writing the specific acts, to the points you desired, although your desire was conveyed in a tone very different from what that gracious Sovereign would have used to any gentleman in his dominions, and highly different indeed from the stile in which he would have applied to one of the Justices of his own Bench.

I have the honour to be with great respect,

Your Excellency's most obedient and

Very humble Servant

ROBERT THORPE.

REMARKS ON MR. THORPE'S LETTER.

(p. 111.)

Altho' in his letter, Mr. Thorpe speaks but from report, and concerning some particulars that must have taken place about eight years before he came into this Province, yet I lost no time to examine into the reality of his statements. I was a stranger, and wished to obtain information, and was anxious to discover in whom I could confide; I now state the result of my inquiries.

The statements in Mr. Thorpe's letter, so far as they apply to the past operations of this Government, appear to me to be as follows:

First. Lieutenant Governor Hunter had not brought forward into the Public Accounts, fees received for Lands; nor the revenue received from Lower Canada; and that the Officers of Government had received fees for which they never did account.

Secondly. That immense tracts of Land had been given to the officers of Government, their relations and friends; smaller fees having been charged to them, than to others equally entitled.

Thirdly. That fees had been charged to some persons and not to others in similar situations, and to some persons who ought not to be charged at all, and that the last mentioned fees had been refunded when a prosecution had been threatened.

Fourthly. That articles for building had been taken from the King's Stores and applied to private uses.

To understand the statement in Mr. Thorpe's letter, it is necessary to observe that the word "Fees" is not only applied to what is paid to the different Officers of Government, on every Patent that is issued for Land, but also to a much larger payment to the Crown, upon the issuing of such Patents—it is to the last mentioned payment that Mr. Thorpe's observations can only apply.

As to the first charge made by Mr. Thorpe, with this explanation, I have to observe, that by Documents laid before me, it appears that a regular account of the fees paid to the Crown has been half yearly made up and transmitted by the Receiver General to the Lords of the Treasury; another that the Revenue from Lower Canada has been annually inserted in the public accounts laid before the Legislative Assembly; nor have I discovered that any of the above mentioned fees have not been accounted for by the Officers of Government.

With respect to the tracts of Land bestowed on the Officers of Government, as stated in his second charge; the fact upon investigation appears to be this: By His Majesty's permission in the year 1798, such persons as were then Members of the Executive Council, did receive a portion of Lands, which together with the Lands they had before attained by virtue of the King's instructions, amounted to six thousand acres; for such Lands payment was not only made of the fees that belonged to the Officers of the Land granting Department; since the above period, his Majesty has been pleased to grant to certain individuals, Lands subject only to the like fees, as had before been paid by the Members of the Executive Council.

It is true, as stated by Mr. Thorpe, that the families and friends of some of the Officers of Government did obtain grants of Land, which the Governor in Council had authority to bestow; but it is equally true, that as to fees of every description, they were on the same footing with other inhabitants of this Province, and here I must observe that since the commencement of Lieutenant Governor Hunter's administration, the members of the Executive Council, and other Officers of Government (unless by the King's command) have derived no advantage as such, either as to the quantity of land which they have received, or the amount of the fees which they have paid.

As to what is inserted by Mr. Thorpe in what I call his third charge, respecting partiality with regard to the amount of fees required from different individuals, I can only say that I have not discovered any foundation for that assertion.

Amidst the number of alterations which have, from a variety of causes, taken place in the Table of Fees, it would be rash to maintain, that the Governor and Council may not have sometimes erred in their judgment respecting them, but that in any instance they have acted corruptly, I have no reason to believe.

Respecting the application of the King's stores to private purposes, mentioned also by Mr. Thorpe, the charge as to fact is true, but it is charge, if my information be correct, of which those who were at the head of public affairs need not be ashamed; about eight years since the seat of Government was removed from Niagara to this place, then a wilderness, the difficulties which persons had to encounter, who from the situations they held were compelled to reside there were extreme; under such circumstances, some materials for building were delivered out of the King's stores, which could be obtained nowhere else, to such persons, upon an obligation being given by them to replace such materials, if required.

He also speaks of the Province as being on the verge of being lost to Great Britain. Mr. Thorpe must have been unfortunate in his associates to form such a conclusion. Notwithstanding his Industry in suggesting and magnifying subjects of Discontent, the effects are not so great and extensive, as he and his friends may suppose, and perhaps wish.

FRANCIS GORE,
Lt. Governor.

No. 31.—LIEUT. GOVERNOR GORE TO MR. WINDHAM.
(*Canadian Archives, Series Q., Vol. 306, p. 119.*)

YORK, UPPER CANADA,
23rd April, 1807.

Sir,—I have the honour to inform you, that from the general and notorious bad conduct of Mr. Joseph Willcocks, Sheriff of the Home District of this Province, I have considered it as an indispensable duty to remove him from that office, and have appointed Miles McDonell, Esquire, late a Captain in the Canadian Volunteers to succeed him.

I have also the honour to transmit copies of five affidavits, respecting the conduct of Mr. Willcocks, which will, I trust, point out in a stronger point of view, the necessity of the step which I have been induced to take, than anything I can offer on the subject.

I have the honour to be, with great Respect,

Sir,

Your most obedient humble servant

FRANCIS GORE
Lt. Governor.

AFFIDAVITS.

GEORGE RICHARD FERGUSON.

(p. 120.)

Upper Canada.

George Richard Ferguson of York in the Home District Esquire maketh oath and saith That on or about the Twenty seventh day of November last past he this deponent was at the house of Mr. John Mills Jackson in the Township of York in company with Joseph Willcocks, Esquire, Sheriff of the Home District and some others. The Sheriff began the subject of Politics with great warmth when this deponent requested he would desist. That the Sheriff did not desist, but said that the Government were trying to crush and make a beggar of him. This deponent remarked that such Language came ill from him, who derived his Bread from the Government, and even if he was crushed, he could leave the Province as he came into it, a Beggar. The Sheriff said he would produce some official Papers (which he took from his Pocket) to shew how tyrannical the Government was. This deponent opposed his producing any official papers there, being in a mixed company. Mr. Jackson insisted on their being produced and read; that it was in his House, and that he would support the Sheriff, who he knew was for the people. The Sheriff replied that he was for the people, that he knew the people were ripe for anything, and that he was determined to support them.

This deponent further saith that about eighteen months past he this deponent and the said Sheriff were in company, when the Sheriff said that if Bonaparte lived he would carry Republicanism through the world, and till then, the world could never be happy nor at rest, and that he often suppressed his admiration of a Republican Government before any other, and that the poor Rebels in Ireland were not supported as they ought to have been, but were sacrificed. After the election of Mr. Weekes he said, that that Parliament would be the most eventful one there had ever been in the Country, and that there would shortly be different leaders to these pusillanimous Mortals that now were taking the lead in Government.

GEO. R. FERGUSON.

Sworn before me at York, in Upper }
Canada, this Twelfth day of Feb- }
ruary 1807.

JOHN SMALL,
J. P. & Clerk of the Crown &c.

LIEUT RANNY L. BESSERER.

(p. 122.)

HOME DISTRICT YORK, }
to wit

Personally appeared before me Duncan Cameron Esquire, one of his Majesty's Justices of the Peace in and for the said District, Ranny L. Besserer, Lieutenant in his Majesty's New Brunswick Regiment, and being duly sworn upon the holy Evangelists made oath and said that on the 27th day of November, 1806, being with several others at the house of a person recognised as John Mills Jackson Gentleman in the Township of York and the District aforesaid, that amongst other expressions the following were repeatedly made use of by Joseph Willcocks Esquire Sheriff of the said District: That he would expose to the Public his correspondence with the Solicitor General's Office, to shew the Tyranny and oppression of the Government, that they were trying to crush him because he would defend the Rights of the People, which he would do to his utmost, and further this Deponent saith not.

RANNY L. BESSERER.

Sworn before me at York afore- }
said, this 13th December, 1806. }

D. CAMERON, *J. P.*

TITUS GEER SIMONS.

(p. 123.)

I, Titus Geer Simons of the Township of Flamboro' West in the County of York, in the Home District of the Province of Upper Canada, Gentleman, make oath on the holy Evangelists of the Almighty God, before Duncan Cameron Esquire, one of his Majesty's Justices of the Peace in and for the District aforesaid, do declare that on the 27th day of November now last past, having rode in company with several Gentlemen to the house of Mr. John Mills Jackson, on Yonge Street, and was there invited by the said Mr. Jackson to dine with him and some other Gentlemen, to wit, Captain Richard Ferguson, Mr. Sheriff Willcocks, Baron de Hoen, Lieut. Besserer and Mr. Cheniquy. We sat down to dinner at a late hour. The then approaching election became the topic of conversation, in which Mr. Jackson and Mr. Willcocks appeared warmly interested. Immediately after removing the cloth, the King's health was drank, and that of several noblemen in England of whose friendship and confidence Mr. Jackson boasted. I was asked for a toast, I gave the Lieut. Governor of the Province. "Apropos," said the sheriff, "how is the Governor spoken of in your neighbourhood?" (meaning the head of the Lake), those said I, who have had any business to transact with his Excellency have met with every satisfaction which the nature of their case required, for my part I can only speak from his general character, which I believe to be an amiable one. "So do I,"

said Mr. Sheriff, "and in order to exonerate him from the imputation which report is disseminating through the country; That I am most shamefully and most cruelly oppressed, for reasons unknown to myself and my friends—That he is my implacable enemy; and that his persecution will only cease on my being ousted,—and I say in order to clear his Excellency from this charge, I will read a letter which I have this day received from the Solicitor General"—he then pulled some papers from his pocket; when Captain Ferguson rose from his chair and begged of him in the most friendly terms, not to read or expose any "official Papers as he considered the company a public or mixed one, and an improper place to exhibit public Papers, which respected his public situation, and much more so to make any comments on them." The sheriff then addressed himself to Mr. Jackson, saying, "this is the way that I am always oppressed and cannot say a word in vindication of myself—I have offered several Gentlemen of the first rank, men with fifteen hundred pounds sterling as my securities, but they have been rejected, this day I have given in two more, Mr. Samuel Thompson and Mr. Addison, if these are rejected the Country is ready to come forward and pay the money for me." Mr. Jackson cried out, "read what you please, say what you please, you are at my table, I know that the Governor has used you as well as some others in this place like a damned Rascal, but that his stay in this Country was of a short duration, that his friend was recalled and that he (the Governor) would soon experience the same fate, when things were properly stated at home." Mr. Cheniquy got enraged, asked Mr. Jackson "if he was not ashamed to call the Governor a damned Rascal?" "Recollect," said he, "that you are speaking of the King's Representative." "Damn the King and him too, what have we to expect from either of them? I have asked for no favours since I have been here, nor do I intend to ask for any." "If you make use of such language" said Mr. Cheniquy, "I will leave the room." "Leave it and be damned" said Mr. Jackson, "I care as little for you as I do for the Governor or his master." Mr. Cheniquy left the room. Mr. Sheriff then said "that he did not doubt but that every word that had passed would be carried to the Garrison by the next morning at 10 o'clock." Captain Ferguson observed, "and so they ought to be, but I shall not do it, the administrations which I gave you in the early part of the evening inspecting your public papers were from motives of friendship." "Damn your friendship, I hold it in as much contempt, as that worthy man Mr. Thorpe, the friend of the people, does the interest you are making against him," said Mr. Sheriff; Captain Ferguson replied: "I have made no interest for or against him." "You have," said Mr. Sheriff, "but notwithstanding all the interest, which your Scotch faction have and can make, Mr. Thorpe will go into the House." "I know of no Scotch faction," said Captain Ferguson, "nor am I of any Party, and your abuse, Mr. Sheriff, should not pass with impunity." "Yes" said Mr. Jackson, "that damned Scotch faction, with the Governor at the head are striving to bear down all before them, poor Mr. Wyatt has been most shamefully and most rascally treated by the Governor, both him and Mr. Sheriff have been thrown out of the Governor's house without assigning a cause to either, but the time is not far distant when Mr. Wyatt shall have a Seat in the Executive Council, Mr. Thorpe Speaker of the House and before twelve months I shall be returned for this place, to which another Member is to be added, as also one to the London District—then huzza for the man of the People, he must, and will stand; but the Governor, what is his support, when the Country is against him, he must fall, he must come to his marrow-bones." Mr. Sheriff then said: "I am determined with Mr. Jackson's leave to read this letter, be the future consequences what they may; Mr. Simons as a stranger will see how I am oppressed without a shadow of a cause. I have written to the Solicitor requesting to know what kind of security he required and I would obtain it, and this letter which I am going to read is an answer to it." I think the contents were nearly as follows: "Sir, This is to say that the two Gentlemen whose names you give in for your securities are deemed insufficient; I therefore hope you will lose no time in procuring others. I am not authorized to reject or accept of any particular person; the Statutes of the Province are my authority." "Here you see Gentlemen," said the Sheriff, "that the Solicitor General disavows any authority

"from the Governor for thus opposing me, by rejecting the Gentlemen whose names I have given in." "Damn the Governor and the Government," said Mr. Jackson, "push about the bottle." "Well," said Captain Ferguson, "I had it in contemplation to offer you my name, tho' I doubted its acceptance, but your imprudent conduct this evening forbids it." "Damn you and your friendship it is not to be depended upon, you dare not breathe without asking some of your damned faction" said Mr. Sheriff. Captain Ferguson immediately collared him and they rose from their chairs—we interfered and parted them, when Mr. Sheriff pulled off his coat and ran out of the door, the Captain followed and brought him back very peaceable. Mr. Sheriff sat down again and immediately began with Politics; I begged of him to keep his promise, which was to drop Politics, as it only tended to keep the company in commotion. "By God," said he, "the Country from repeated infringements upon their rights and liberties, is now ripe for anything; that Mr. Wyatt had sent home 20 or 26 pages of manuscript, stating the disaffections of the People of the Province and the cruelty and ill treatment, which he and his friends had experienced from the Governor—when these facts are properly stated at home and when we shall have made some other arrangements in the Government, we shall then carry all before us by God."

TITUS G. SIMONS.

Sworn before me at York, the)
2nd day of February 1807. }

D. CAMERON, J. P.

JOSEPH CHENIQUEY.

(p. 130.)

Joseph Cheniquey of the Town of York in the Province of Upper Canada Gentleman maketh oath and saith that on or about the twenty seventh day of November last past he this Deponent was at the house of Mr. John Mills Jackson in the Township of York, where the Sheriff of the Home District Joseph Willcocks Esquire was present attending a Jury to lay out a Road in the neighbourhood. That the said John Mills Jackson was at home and invited the Sheriff and Richard Ferguson Esquire (a Justice of the Peace attending in quality of Magistrate to swear the said Jury) to Dinner. That after dinner and before the cloth was removed, the Sheriff began the subject of Politicks when this Deponent requested he would desist—the Sheriff persisted and made use of the most abusive language against the Government, stating that the Government was tyrannical and oppressive and that he expected he should be turned out of his office because he supported the Rights of the People. The said John Mills Jackson supported the Sheriff in his assertions, and proceeded to such violent language against the Government that the Magistrate was constrained to interfere. That the said John Mills Jackson said the Government were a set of Rascals. He further stated that the Executive Council and General Hunter had plundered the Country. And this deponent further saith that the said Joseph Willcocks (Sheriff) at another time told this deponent that if he this deponent knew how bad the Government were he would not side with them.

JOSEPH CHENIQUEY.

Sworn before me at York, in Upper
Canada, this Twelfth day of Febru-
ary, one thousand eight hundred
and seven. }

JOHN SMALL,

J. P. and Clerk of the Crown, &c.

JOHN RICHARDSON.

(p. 132.)

John Richardson of the Town of York in the Province of Upper Canada Farmer maketh Oath and saith that he hath been acquainted with Joseph Willcocks

Esquire Sheriff of the Home District for upwards of Five years that he ever considered him as a loyal subject of the King until about fifteen months last past, since which period this Deponent observed a great alteration in the conduct of the said Sheriff. That since the said period he hath repeatedly heard the Sheriff decry the Government and the Constitution of Great Britain. The said Joseph Willcocks had frequently discoursed with this Deponent on the subject of Republican Principles even advertg to the *Glorious Success* of the French over Tyrants, and admiring their conduct in Ireland. He expressed a wish that the French had succeeded in Ireland or in England and hoped they would be successful wherever they went. The said Joseph Willcocks related a story of the Rebels in Ireland throwing a Brother of his over a Bridge remarking that the Rebels would not have served him so. And this Deponent further saith that upon every occasion when the conversation would admit of it the said Sheriff expressed his admiration of a Republican system of Government hoping that system would prevail thro' the world.

JOHN RICHARDSON.

Sworn before me at York, in Upper }
Canada, this fourteenth day of }
February, one thousand eight }
hundred and seven. }

JOHN SMALL,
J.P. & Clerk of the Crown, &c.

CERTIFICATE OF RICHARDSON'S CHARACTER.

(p. 134.)

QUEBEC, 18th March 1807.

SIR,—Your Excellency having been pleased to request, I would transmit the character of John Richardson, who lived with me as Bailiff, and also state whether I consider him a man worthy to be credited on his oath. I have, Sir, in answer to these enquiries, the honour to inform you, that John Richardson was in my service as Bailiff near three years, during the whole of which time as far as came to my knowledge, he conducted himself very much to my satisfaction and is, I believe, a very honest man. I entrusted him with the active management of my Farm, for though it was not very distant from my Residence, I very seldom even saw it. As to believing him on his Oath, I can assure your Excellency, I should have the fullest confidence in anything he stated on oath. I always placed the utmost reliance on his statements and found them correct (as far as I had any means of informing myself) when he was not bound down by an Oath. He was recommended to the protection of the late General Hunter by a very respectable Family in England, and I believe he has, since he has been in Canada, conducted himself with great propriety.

I have the honour to subscribe myself with great respect

Your Excellency's most obedient servant,

H. ALLCOCK.

No. 32.—LORD CASTLEREAGH TO LIEUT. GOVERNOR GORE.

(*Canadian Archives, Series Q., Vol. 306, p. 206.*)

(*Extract.*)

DOWNING STREET, 19th June 1807.

SIR,—

* * * * *

The various particulars which you have stated of Mr. Justice Thorpe's having exceeded his duties as a Judge, by mixing in the political parties of the Province, and encouraging an opposition to the Administration, afforded such well grounded reasons for believing that his continuance in office would lead to the discredit and

disservice of His Majesty's Government, that I am commanded to signify to you His Majesty's pleasure that you suspend Mr. Thorpe from the office of Judge in Upper Canada and measures will be taken for appointing a successor.

It is by no means intended, nor, I am sure, is it your wish that this measure be extended beyond the limits of what is necessary for His Majesty's service, and you will therefore intimate to Mr. Thorpe that I hope I may be enabled to recommend him to some other professional situation under an assurance that he will confine himself to the duties of his profession hereafter, and abstain from engaging in Provincial Party. I am further to signify His Majesty's approbation of your having suspended Mr. Wyatt from the office of Surveyor General of Lands, and shall communicate with the Lands Comrs. of the Treasury with regard to his conduct, but shall reserve an ultimate decision respecting him to another opportunity.

No. 33.—LIEUT. GOVERNOR GORE TO LORD CASTLEREAGH.

(*Canadian Archives, Series Q., Vol. 306, p. 212.*)

YORK, UPPER CANADA

21st August, 1807.

MY LORD,—I have the honour to inform you, that I have considered it to be my Duty to omit the name of Mr. Justice Thorpe, in the Commission of Assize, lately Issued in the Province, and the Executive Council have unanimously concurred with me in this measure (No. 1).

That the progress of one of His Majesty's Justices of the Court of King's Bench, through the Provinces, in his routine of duty, should be dangerous to the peace of the Colony, may indeed appear strange but it is most certainly true with regard to Mr. Thorpe, who appears to consider his character as a judge but matter of a secondary consideration, and to be chiefly ambitious of the character of a Factioned Demagogue.

In my Dispatch (No. 20) addressed to Mr. Windham, I informed that Minister of the dangerous tendency of Mr. Thorpe's conduct, and accompanied it by documents that would corroborate my statements, and I beg leave to call Your Lordship's attention to the papers which I have now the honour to transmit (No. 2, 3, 4, 5, 6, 7).

The address and answer (No. 6) are generally believed to be the production of Mr. Thorpe, no public meeting was ever held (No. 7). Sheppard and Montgomery, the supposed Chairman and Secretary, are ignorant Farmers, who can hardly write their names.

In order to give full scope to Mr. Thorpe's mischievous exertions, a Printing Press has been established by some of the most active Partisans, ostensibly conducted by one Willecocks, a turbulent Irishman, whom I found it necessary to displace from his office as Sheriff. For the real motives of this establishment, and the Reasons and views with which it is conducted, I beg leave to refer to Papers (No. 8, 9 and 10) and though anonymous communications should be attended to with the greatest caution, yet No. 8 being in this case corroborated by Mr. Powell's letter No. 10, and the information of a merchant of respectability in New York No. 9, combined with the conduct of the Persons alluded to, leaves little room to doubt of the correctness of the information.

Without knowing the full extent of Mr. Thorpe's improper conduct, and only judging from what has passed in view of the Public, People of Property and respectability express their astonishment, that he should be allowed to continue in his present situation; had I, on his first attempt to poison the minds of the lower order of the people, suspended him from his office, I conceive that I should have been fully justified, but having laid before His Majesty's Minister an account of his conduct, I anxiously await their determination.

I have the honour to be, My Lord,

With great respect, your most obedt servant

FRANCIS GORE

Lt. Governor

Enclosures.

No. 1.—REPORT OF THE EXECUTIVE COUNCIL.

(p. 215.)

YORK, July 4th 1807.

MAY IT PLEASE YOUR EXCELLENCY,—

We have attentively perused the papers which you have been pleased to communicate to us, relative to the conduct of Mr. Justice Thorpe, since his arrival in this Province.

Upon consideration of the whole of the matter therein contained, it is with deep regret we observe, that the conduct of that Gentleman has had an uniform tendency to degrade, embarrass and vilify His Majesty's servants and Government of this Colony.

The discontents with the measures of this Government, which have already arisen, from what has been by him held out to the lower classes of Individuals with whom he has had communication, particularly in that part of the country where he has presided as a Judge of Assize, are too obvious to be concealed, what future consequences may follow, it is impossible to foretell.

Under such circumstances, we do consider it expedient to omit the name of Mr. Justice Thorpe in the next Commission of Assize and Nisi Prius for the safety and tranquillity of this Province.

All which is respectfully submitted by

THOS. SCOTT	} <i>Executive Councillors.</i>
ALEX. GRANT	
PETER RUSSELL	
ENEAS SHAW	
JOHN MCGILL	

No. 2.—JUDGE THORPE TO JOSEPH WILLCOCKS.

(p. 217.)

DEAR SIR,—I this day saw our friend Mr. Weekes deposited in the grave, this sudden and shocking catastrophe has shaken me much; I have written twice to Mr. Wyatt on the subject, and can no more for my heart is wrung.

I enclose my answer to the London District, and sent you three addresses and three answers before by the Toronto, you will put them in the York Paper if you think it serviceable and in what order and at what time you think best, but do not let any one see them except Mr. Wyatt; I am sorry this last address forced me to speak out, I have spoken truth, and at the same time avoided personal asperity, which I pray I never will be driven to, for I am too heavily laden with a conviction of their iniquity to let me strike lightly.

I have written to Mr. Wyatt to let me have Mr. Weekes's house, and beg you would employ some one to get me a few Cords of Wood. Poor Mr. Weekes's will has proved his regard for the People and the Province; may his virtues be imitated and his violence be avoided; his principles were admirable and his fate deplorable.

Yours truly with esteem and regard

ROBT. THORPE.

October 15th, 1806.

P.S. I enclose the representations from the London District, which you are not to publish, but keep for me, I only send them as the names of the Grand Jury are there, and I think you had better put them to the address, which passed unanimously but which might be doubted if you do not give the names.

Don't shew the representations to any one person. Much imputation is thrown against Mr. McKay, and it is wished Mr. Wyatt should direct every thing.

No. 3.—JUDGE THORPE TO JOSEPH WILLCOCKS.

(p. 219.)

MY DEAR SIR,—The subject of our poor friend is so painful and I have wrote so much on this miserable event before to you and Mr. Wyatt that I can no more, except to assure you that he fought and expired bravely.

I delight at your going to the Governor and speaking openly, but he will soon see through these wretched sycophants, and despise their emptiness and vulgarity.

I hope you will safely receive the four addresses and answers, I think they will have some good effect with him, and you will find he will do nothing until I go over, which will be, if it please God, on the 25th of this month.

As to representing the Home District I have written fully to Mr. Wyatt, and to him and yourself I have left to determine for me, on certain terms, I will not go among the people, nor keep open house for drinking, nor involve myself in expense, but if the people chuse to meet, put me in nomination almost unanimously and appoint Committees to compleat the Election without trouble or expense, I will give my time and labour for the public service and toil incessantly to make them as free and happy as any nation on the Earth, my sentiments are fully known, I never will change them, but to be in the House of Representatives cannot raise me or serve my family, and the trouble, toil, anxiety and fatigue it must give me, will be immense, therefore surely, I ought to avoid it, and if I accept it to serve the public, it must not be by doing anything derogatory to the situation I hold, or incompatible with my feelings and principals, I see every annoyance to myself, yet altho' it may drive me from the Province in six months, I do think I could serve the Country, and could lay the foundation of future good, but my sanguine wish is that the Governor will agree with me, and in that case it is incalculable the advantage that may be obtained. You know the persons that ought to be consulted, bring them to Mr. Wyatt, and consider what is best to be done, I will slave for the people, and if called 'into action I will fight to the stumps, but your friend is full, I hope, of high honour, proper pride, and acute feelings, therefore preserve these, tho' I may be about sacrificing every comfort and every situation.

I am anxious to send those tonight and can only assure you that I am,
Yours with the truest esteem

ROBT. THORPE.

October 16th, 1806.

No. 4.—CHIEF JUSTICE TO LIEUT. GOVERNOR.

(p. 222.)

YORK, July 9th, 1807.

SIR,—I put the Letter with which you honoured me yesterday into the Hands of Mr. Justice Thorpe. After a short pause, he said that he ought to obtain permission to return home and lay the matter before the King and Council.

I replied that you had no objection to that, and that you would give him leave of absence; I then took out the memorandum which you gave me to that effect and read it. Mr. Thorpe then requested that I would say nothing for some days on the subject, I said I would not but to you.

I have the honour to be, Sir,
Your Excellency's obedient humble servant

THOS. SCOTT.

No. 5.—JUDGE THORPE TO CHIEF JUSTICE SCOTT.

(p. 223.)

DEAR SIR,—I must sacrifice my gratification at the shrine of duty, the state of the Province forbids my leaving it, the Lieut. Governor never can know it from the people he has about him, whatever he does must be at his own peril; besides I have informed the King's Ministers that I am prepared to lay before the Council in England against the Executive Government here, charges which could not be rebutted,

yet as I wish peace I will not hurry in to it, when a change of system cannot be effected any other way I . . . do it, for a change must be effected or the Province is lost.

As to the representations against me it is inanity I have done my duty strictly and laboriously, and what I have done out of the exact line, I have done by direction; I could induce much more persecution and quietly scorn it. It was late when your letter came and I dislike detaining your servant.

Yours truly
ROBT. THORPE.

July 8th 1807 }
halfpast seven }

No. 6.—ELECTORS OF YORK TO JUDGE THORPE.

(p. 224.)

At a meeting of the independent Electors for the County of York, Durham and Simcoe, held at the Town of York, July 24th 1807, the following address to the Honourable Judge Thorpe was unanimously agreed to.

Mr. Joseph Sheppard in the Chair.

RESPECTED SIR,—With unfeigned sorrow we learn that orders have been given to leave your name out of the Commission of Assize; by this the Eastern part of the Province will be deprived of the instructive lessons flowing from your mouth, while presiding on the seat of justice; those philanthropic instructions which raised you so high in the esteem of our Western Brethren, and from which we have received the most essential Benefit. By this we fear you will consequently be deprived of its attendant salary. But for this temporary evil, there is a remedy provided, and as an earnest of our attachment to a person actuated by such disinterested and virtuous principles, we humbly request you to accept a sum adequate to that which you lose by espousing our cause, and exerting your noblest powers in asserting the rights and defending the privileges which are allowed us by our most amiable and truly beloved Sovereign.

As we his Majesty's loyal subjects, have not received any information for what cause, or reason, such orders have been issued, we think it our duty further to assure you, that if any attempt should be made to take away or lessen your income, we shall willingly contribute (and we are convinced that his Majesty's subject throughout the Province will coincide) to alleviate the sufferings of you our benefactor, who have since the moment you landed in our province, laboured with indefatigable exertions to establish in this distant part of his Majesty's dominions the Constitution and Laws of our Mother Country.

We earnestly entreat that nothing may tempt you to leave us, as our dependence is placed on your uprightness and perseverance. We beg leave to offer you the warmest assurance of our regard, and to implore you to guard against any insidious attacks, for in a private as well as a public situation your life is most valuable.

ALEXANDER MONTGOMERY
Secretary.

To which his Honour was pleased to return the following answer:

GENTLEMEN,—I must be devoid of feeling to be insensible to this kindness. I thank you from my heart; but the Oath prescribed for a Judge precludes the possibility of my accepting your liberal present. I was informed by the Chief Justice that the Lieutenant Governor had directed my name to be omitted in the Commission of Assize. By what legitimate authority such an unprecedented power could be exercised, will be for his Majesty's Minister to determine. To me it is of little consequence, but through me, the rights of the Justices of the Court of King's Bench are affected. When first honoured with a seat on that Bench, the Judges voluntarily became sponsors for my acquirements. Since I attained that appointment (now about five years) a decision of mine never has been reversed, nor have I ever

presided in any Court without receiving the warmest declaration of public satisfaction. My conduct has been approved of by the Secretary of State, and my labours rewarded by my Sovereign. These (with the flattering expectation that I possess the confidence of the Province) are the proud circumstances on which I rest, the high ground on which I am elevated beyond the reach of detraction.

I will continue my exertions until you obtain every immunity our munificent Monarch bestowed. I pledge myself for their rapid approach, anticipate the arrival. Let us constantly unite hand and heart, with a firm determination to stand or fall with Great Britain, it is wisdom, it is virtue, it is security and glory.

I am, Gentlemen,

Your very truly obliged and

Obedient humble servant

SPRINGFIELD, August 1st 1807.

ROBERT THORPE.

No. 7.—FREEHOLDERS &C. OF YORK.

(p. 328.)

We the undersigned Freeholders, Electors and Inhabitants of the Town of York and its Vicinity, weighing the Violence and Indignity offered to Truth and the Public, and our individual feelings, by the publication at Niagara in a Paper calling itself the Upper Canada Guardian of a meeting said to have been held in the Town of York on the 24th of July last, and of an address to the Honble. Mr. Justice Thorpe said to have been formed at the said Meeting by the Independent Electors of the Counties of York, Durham and Simcoe, do solemnly declare that we do not know anything of such meeting, That we did not hear of the intention, or taking place of any such meeting, and that after a very diligent enquiry, we do not believe such a meeting was ever contemplated, or did take place.

(Given under our hands

York, 15th August 1807.

No. 8.—ANONYMOUS TO HON. JOHN MCGILL.

(The foot notes are by Lt. Governor Gore.)

NEW YORK June 17, 1807.

(p. 329.)

SIR,—Although the writer of the following communication has taken the liberty to address it to you, and for peculiar reasons deems it expedient that his name should not *at this time* be known, yet it is hoped that circumstance will not so far operate as to render it unacceptable or unefficacious. Suffice it to say, that he is no stranger to the measures, or to the Policy which dictates those measures of His Majesty's Government; nor is he ignorant of the true Interests of the People of the Province of Upper Canada.

The perturbed state of the public mind in the Province has been produced by causes as well understood by His Excellency the Lieutenant Governor, as by yourself. The continuation of which state of perturbation is promoted by a man high in office, who forgetting the Duties imposed on him from the very nature of that Office, has evinced a total dereliction of every principle of honour and virtue!

The motives which actuate the writer, it is hoped may not be misunderstood; They originate from a desire to promote the well directed views of his Majesty's Government and to preserve to the People of the Province of Upper Canada, Those rights, privileges and advantages which they really do enjoy but which they are blindly about to part with.

Accident has lately led me to become acquainted with the views of a certain character*, who not long since held an official station in the Province, and *his* views being those of the first mentioned character, it becomes a matter of moment, that they should be displayed. They are nothing less than an attempt to *revolutionize* the Province.

*Joseph Wilcocks a United Irishman and lately a Sheriff.

The Engine to be made use of to carry this object into effect is a free Press as it is called; a connexion has been form'd in this City between the Editor of the *Guardian* and several Printers among whom, the Editor of the *Citizen and Republican Watch Tower* whose name is Cheetham is one. The character of this man is notorious as inimical to the British Government, his energies will be employ'd in support of this paper called the *Guardian*. The alliance made with Editors of an opposite political character, is intended as a mantle, to cover the real design. An interchange of sentiments has taken place between the Editor of the *Guardian* and Emmett and the Hibernian Society, alias the Society of United Irishmen, and much strength is expected to be derived from the connection.

The People of the Province have been represented to be on the verge of Rebellion,* their Grievances being too great any longer to be borne, all arising from the Tyranny of His Majesty's Executive Government. That they, The People, would, ere long, seize upon His Excellency's Person and the other obnoxious Officers of the Crown, and ship them off in Irons—if not worse. That this was the plan agreed on &c. The violence of such language naturally excites a suspicion of the strength to execute what might be wished, and consequently not deserving of notice. Still it may be important that the extent of the views of The Party should be known. There can be but little doubt, that Disorder and Confusion are the first objects in the pursuit, for the qualification of personal ambition or some other worse passion.

The prime actor in this scene, it is to be presumed, receives his Instructions from a source,† as powerful almost, as it is inimical to the Interests of Great Britain! The writer is induc'd to communicate from the attachment he feels to His Majesty's Government; to His Excellency, the Lieutenant Governor, as His Majesty's Representative, and to the Interests and Welfare of the People of the Province at large. The relation in which you stand to the Government‡ will plead my excuse for directing this to you, and through you to His Excellency the Lieutenant Governor. Should what has been written prove in any degree useful to His Excellency individually, or to the Government in general, then will be gratified the wishes of His Excellency's and your most obedient and most humble servant,

FIDELITAS.

No. 9.—ANONYMOUS.

(p. 233.)

A certain Person dismiss'd some time since from Public Office in the Upper Province, pass'd a few weeks in this City in a Society famed for its turbulence; both foreigners and natives residing in this City and in the Western part of the State, contemplate a *Reform* in the Government of the Upper Province. The Person alluded to returned a few weeks ago with Printing Press and Press Men; a committee of correspondence is formed, which is to prepare the *minds of the People in this State* for some great change. The Information recommends the most cautious silence to be observed, but a strict attention to be paid to the actions of some inflammatory characters. More on this subject is promised.

NEW YORK.

No. 10.—JOHN POWELL TO LIEUT. GOVERNOR GORE.

(p. 234.)

SIR,—I have the honour of sending for your Excellency's information, the following extract of a letter I lately received from my Brother residing in the United States. "I understand that a man named Willcocks has been in this neighbourhood with a prospectus of a Gazette to be published by him at Niagara, which he openly declares to be under the protection and controul of Judge T——, professedly for the laudable purpose of revolutionizing the Province; he told a friend of mine that he expected to be stopped before six months."

I have the honour to be, with great respect,

Your Excellency's most obedient servant

NIAGARA, August 15th, 1807.

JNO. POWELL.

* Mr. Wyatt's statement handed about at New York.

† Supposed to be Monsieur Genet, a Frenchman employed by the Cabinet of St. Cloud.

‡ As Executive Councillor.

No. 34.—LIEUT. GOVERNOR GORE TO LORD CASTLEREAGH.

(Canadian Archives, Series Q., Vol. 310, p. 15.)

YORK, UPPER CANADA 14th November, 1807.

MY LORD,—

* * * * *

In obedience to your Lordship's commands, contained in your Dispatch No. 2, I directed a suspension from the office of one of the Judges of the Court of King's Bench in Upper Canada to be delivered to Mr. Thorpe, together with an extract from the Dispatch of such part as your Lordship was pleased to desire might be communicated to that gentleman.

I cannot help entertaining the hope that the measure which has thus been adopted, however painful, will have the most salutary influence in preventing the further progress of that spirit of equality and want of subordination, which too much prevails amongst the Lower Ranks of this province.

Before the Official Notification for suspending Mr. Thorpe arrived, he was aware of his fate; indeed Mr. Justice Powell, with humanity and with my perfect approbation, communicated to Mr. Thorpe what he had heard when in England respecting him.

I should not have troubled your Lordship with the result of that communication (A), were it not that Mr. Thorpe positively asserted, that what he had done was by direction of the Secretary of State.

With regard to the changes which Mr. Thorpe mentions respecting the members of the Executive Government, they are ready, anxious, and I believe able, to meet them: I say this with little hesitation, as such charges must necessarily refer to transactions which took place previous to my arrival in this Province, and which I cannot personally be interested in.

With respect to Mr. Thorpe's pecuniary embarrassments, it was signified to him by my desire, that the means should be furnished him to enable him to return to England, for which purpose I had directed the Receiver General to advance him Two Hundred pounds on his Bill to be drawn on the Colonial Agent, and it was further signified that he might obtain my leave of absence from the Province before the order for suspension should be received; these offers were refused. Mr. Thorpe did leave the Province before the suspension could be deliver'd to him, but it was altogether without my knowledge or leave, not however until he had published an address in the newspaper (B) mentioned in the communication with Mr. Powell.

The last observation with which I shall trouble your Lordship is this, that if Mr. Thorpe is permitted to state any particulars relative to the Government of this Province, he will probably call in a Mr. Jackson, now I believe in England, to support his charges. I have only to refer your Lordship respecting this person to my Dispatch (No. 16) and to the affidavits transmitted (No. 22) where the conduct and character of that person is mentioned, and further that I believe the cause of the hostility of Mr. Jackson to the Executive Government arose from his being refused a quantity of Land, on account of his improper conduct.

I have the honour to be, My Lord, with great respect,

Your most obedient and most humble servant

FRANCIS GORE

Lt. Governor.

(A.)

W. DUMMER POWELL TO LIEUT. GOVERNOR GORE.

(p. 19.)

YORK, 26th October, 1807.

SIR,—Your Excellency having intimated a wish that I would avail myself of any good opportunity to communicate to Mr. Thorpe the Information I had received

from Mr. Cooke before I left England, I took advantage of the receipt of the letter from him to expose myself to an interview, which otherwise from various considerations I should have avoided. My card brought him to my chambers, and the substance of what passed at that interview I have the honour to submit for Your Excellency's information in the paper enclosed herewith.

I have the honour to be most respectfully

Your Excellency's Obedient servant

WM. DUMMER POWELL.

Substance of what passed at an interview with Mr. Thorpe on Wednesday, 22nd October.

After commonplace inquiries and answers on the subject of my son, I told Mr. Thorpe that before I left England, I had learned from Mr. Bond that he was superseded, that a few days before my departure, Mr. Cooke under Secretary of State had communicated to me part of his (Mr. Thorpe's) letter to Sir George Shee, and his (Mr. Cooke's) private letter in answer, communicating his Majesty's pleasure that he should be removed from his situation in this Province. That having observed in Mr. T.'s letter to the Secretary a hint that his embarrassments might prevent him from leaving the Province, I thought it might be serviceable to him to be acquainted with the event of his correspondence with the Secretary of State's Office, before the arrival of the Attorney General with the Official Dispatches should hint about his dismissal and expose his person either in the Lower Province or the U.S. in any attempt to get to England. I added that Mr. Cooke had told him that Ld. Castlereagh would notwithstanding endeavour to do something for him, if Mr. T. put it in his power by proper conduct. Mr. T. received this information without surprise, as if it was not new to him, but added that Mr. Wyatt had assured him that the consideration of the business was postponed. That he could not be removed without a hearing before the Privy Council. I then mentioned that Mr. Cooke's letter would inform him that the measure had been adopted on his own communication, the violence and indiscretion of which left no alternative but to remove him or the whole Executive Government of the Province. Mr. T. then said it was artfully done by Ld. Castlereagh to take the measure upon himself and save Mr. Gore the odium of a suspension, and that he was not sorry for it in one respect as it might screen him and the wretches about him from the indignation of the people. He then asked me if I knew what was meant by proper conduct for him, that he had done nothing but by direction from the Secretary of State and if it was expected that he should vary from his charges against the Council here, it was in vain what then could he do? I answered that the purport of the expression appeared to me a caution to receive his dismissal with discretion and rely upon his friends in Europe to do something for him, and I thought if he would in confidence ask the Lieut. Governor for leave of absence before the measure became public, he would obtain it and the means of conveying himself to Europe. He said that he would never do. I observed that I was sorry to see so much irritation occasioned by the newspaper publications. He answered that the people were driven to the measure of a country paper; that he himself had twice sent communications to the *Gazette*, which the printer rejected, as he said, by order from Mr. Halton the Lieutenant Governor's Secretary; that such circumstances and the gross abuse by the Government press of certain individuals, specifying Mr. Willcocks had induced the Establishment of another. Mr. T. repeatedly asked me what he could do to meet the expectation of the Minister; that if he was dismissed for obeying his orders it was highly unjust and that as he had advanced nothing but Truth, he should never depart from it; that he found from Mr. Wyatt that the ground assigned for suspending him and the only one dwelt upon here (Disobedience of Orders) was not even made an article of complaint to the Secretary of State and repeated that he could not be dismissed unheard. On leaving me he said that he should see me again in a manner which led me to suppose he would reconsider the advice to ask leave of absence.

(B.)

ADDRESS BY JUDGE THORPE TO THE FREEHOLDERS OF YORK, &c.

(p. 24.)

To the Freeholders of the East Riding of the County of York and of the Counties of Durham and Simcoe,

GENTLEMEN,—When you called on me to represent you in Parliament, I answered that if you placed me in the House of Assembly, I would discharge my duty faithfully; but I am now hurried to England, from the most insidious misrepresentation of my conduct having induced the Secretary of State to signify his Majesty's pleasure to suspend me from my judicial situation in this Province. However the noble Lord at the head of the Colonial Department, is actuated by the highest sentiments of honour, and the strictest principles of justice; therefore truth, like the divine rod of Aaron, will quickly overcome the machinations of the Magicians.

Though wretched, even to agony, whilst under the slightest imputation, yet your welfare, your happiness and the prosperity of the Province, shall engage my attention and animate my exertions. The objects dearest to me in life, I leave behind—that which is dearer than Life (my Honour) I hasten to defend; but if it pleases the Almighty to favour and protect me, my return shall be as rapid as my departure was unexpected.

I am, Gentlemen,

Your obliged, obedient and very humble servant

ROBERT THORPE.

NIAGARA NOV. 2, 1807.

No. 35.—JUDGE THORPE TO SIR GEORGE SHEE.

(*Canadian Archives, Series Q., Vol. 310, p. 34.*)

DEAR SIR GEORGE,—You would pity from your heart the greatest enemy you had, could you but see him in my situation, surrounded by the vilest miscreants on earth, who have gorged themselves on the plunder of every Department, and squeezed every Dollar out of the wretched Inhabitants, who have long stunted the growth of the province and have now driven it to the verge of ruin; they have put up and put down whom they pleased, & now their whole force is set against me, but I will do my duty to England, to the Colony, to your patronage & to the recommendation of that departed friend that sent me to your care, tho' I sacrifice my life, my wife & my helpless children. The miscreants contend for monopolizing one hundred thousand a year from England, which they hope to enjoy, until they lose the Province. I contend for saving that sum to England, for preserving the Province, & making it valuable to Gt. Britain, yet I wonder at my own perseverance, for I have continued representing in vain. I stated how necessary it was to have a sensible steady gentleman at the head of this Government, and there comes out a violent, empty, selfsufficient Major of Horse, with all the ideas of Military subordination, and fully persuaded he can force down the people and reign absolute. The shopkeepers that have surrounded him from Halifax to Quebec, to Montreal, to Kingston, to York, to Niagara, all flatter and infuse this, it is the food of vanity, and it is the support of their own power and rapacity, he does not reflect on the distance from England, and the contiguity to the States of America, that we have no oppressed tenantry or oppressed farmers, but that every man lives on his own estate, & is independent tho' without a Dollar, that they are a hardy experienced set of men, & that there is no passage to this country for troops, but up a River narrow, shallow & rapid. I also made every representation against Mr. Scott's being chief justice yet, because he was the Attorney to the merchants in Lower Canada, they made every exertion and by their friend & protector Sir W. Grant, the Master of the Rolls, Id. Castlereagh is prevailed on to place him at the head

of the King's Bench and now the only step wanted is to give him the Chancery, and then the property of half the inhabitants will be sacrificed to the Merchants. I stated that Mr. McGill had been the chief cause of discontent amongst every order of persons from his conduct as Inspector General; yet this is the man who directs everything, and follows up the old system with oppressive violence, and these men are perfectly inefficient for business or exertion; one was lately a preacher, the other a carpenter, they are supported and support the Storekeeper Aristocracy, that is sufficient, and, could I submit to say, plunder, prosper and may the province perish, I would be esteemed a little god. I have said all that I could say, and shall only trouble you with one letter more, which I will send after the House of Assembly is prorogued. Mr. Wyatt the Surveyor General is going home, he can give you a full and true statement of everything, he is a most honourable and steady Gentleman, the Governor was mean enough to set a trap for him in his own office, then he proceeded to bully him, and concluded by asking his pardon. I must now proceed to give you some more hints of his character and conduct, the Election of which I informed you in my last was delayed even longer than the Law permitted, the Lt. Governor & Storekeepers with all their force against the people, every species of undue influence, bribery, coercion and oppression, was used by them, the Lt. Governor himself demeaned by trying to seduce both high & low. I never asked a vote, I never left my house, they brought me to the hustings, the Election lasted a week, I was returned by an amazing majority (altho' I requested the people from a distance & the aged might be prevented from coming) the people returned in triumph execrating the Governor, in truth there never was such unconstitutional and such illegal proceedings experienced before. In my last letter I enclosed you an address to me from the London District, and my answer which that extorted, the Lt. Governor thought he would induce the Grand Jury to recant and he had them called together for the purpose and I now send you their reply to him, which enraged him so much that he sent them word if they did not recant they should lose their half pay (for they are mostly old officers) but this did not avail for they said they would sooner go to labour and hew in the forest; this will let you a little into his conduct, & also (with the Home District address which I enclose) into some of the grievances of the people. But even the Agricultural Society, which I have laboured to promote as the means of promoting the culture of Hemp and doing an infinity of good he is at this moment privately trying to overturn. The Liberty of the press he has destroyed, nothing can be printed without his Secretary's leave, but everything violent to enrage the people is printed, as you will see by enclosed address from their candidate Mr. Gough (which the Secretary sent) and the reply from Electors which he refused to be printed, but this is little to what is done, even power dares to approach the King's Bench; but I must refer you to Mr. Wyatt & not trespass longer on your time. This Province looks to Mr. Windham for redress, and if he does not do it quickly all is lost; I only beg and pray to be placed where I can be useful.

I have the honour to be

Your ever obliged

ROBT. THORPE.

P.S. I enclose a letter I have just received from Capt. Brant, which will shew a little of the Indian attachment to the Government. The Indian Department enriches some Individuals and to dissatisfy the Nation.

I have this moment heard there are emissaries out to rise the people, that some advantage may be taken of it for misrepresentation, and I believe it, because I know them to be only capable of vicious cunning.

Enclosures.

No. 1.—GRAND JURY, LONDON DISTRICT TO LIEUT. GOVERNOR GORE.

(p. 40.)

To His Excellency Francis Gore Esq. Lieut. Governor of the Province of Upper Canada &c. &c. &c.

We the Grand Jury of the District of London sworn at the late assizes holden in this District, in compliance with your Excellency's request in a letter to our fore-

man, have assembled and beg leave to state the following acts, being the particular ones alluded to in that part of our address to Mr. Justice Thorpe, which your Excellency has been pleased to notice.

The first and most principal thing we had in view, and to which we request to call your Excellency's attention, is the unfortunate situation of these American Loyalists who were prevented from coming to this Province before the year 1798: The precluding them from enjoying the benefit of his Majesty's bounty and the rewards he was graciously pleased to promise them for their Loyalty, sufferings and losses, and which we humbly conceive, was ever his intention to bestow, has occasioned many complaints; and we think they are not without some cause, more especially as the Loyalists were never notified that they must exhibit their claims for Land within any limited time, and as it is conceived and is also the prevailing opinion that this restriction was affected by the Executive Government of this Province, without the immediate direction of His Majesty, and even should the sanction of his Majesty have been obtained for this purpose, we are led to believe, that it was done by a representation made to him, in which the situation of this country and the Loyalists was not truly stated to him. The disagreeable situation in which this restriction has thrown a number of those unfortunate yet deserving class of subjects, your Excellency will easily conceive. And when we inform you that many of them on their arrival here with the most sanguine expectations of meeting the fulfilment of his Majesty's promise, were not able to pay the fees exacted, and consequently were prevented from getting any Land on any terms, were driven to the necessity of labouring upon other people's Land and of settling upon those Government reserves for the possession of which they have no security for a longer time than twenty-one years. Your Excellency, we trust, will conceive with us that the complaint is not without grounds.

The first thing which we beg leave to point out to your Excellency, as a subject which occasioned many complaints and the injustice of which we also conceive, is great, in the mode heretofore practised in suspending certain persons from the U.E. List, whose names had been previously inserted thereon; this in many instances has been done, without giving the person concerned an opportunity of proving that he was entitled to be continued on, upon mere *ex parte* evidence, or without any evidence at all that the name of the person so suspended had been improperly inserted. This has often occasioned much serious inconvenience and expence to those unfortunate individuals.

Another thing we wish to mention to your Excellency, which has been a cause of complaint is, that many Loyalists and others on applications for Land at an early period, were granted Minutes of Council for a certain quantity under the regulations of six pence per acre, that they were not informed there was any order existing (if any did exist) which compelled them to locate within any limited time, or their Minutes of Council were void, and that they conceived the faith of Government was pledged to them for so much land as they were then allowed to locate on such terms as were therein specified, but from inability to locate immediately for the want of pecuniary means, they went home satisfied that when they should by their industry be enabled to obtain what money was necessary to pay the six pence per acre, they would be allowed to locate the quantity formerly granted; They were told on application for that purpose that they could not act upon the Minutes of Council they then had, and that they must petition Council again and should any land then be granted, they must pay instead of six pence eight pence per acre and this money to be paid within three or four days and before the applicant knew where he could locate his Land. There has been also many applications for leave to locate Land in certain Townships where the applicant resided or wished to settle, but were refused under the pretence that there was no land vacant in those townships, and the applicant obliged to take his land in some distant part of the province, where perhaps it would not be worth the fees to be paid, afterwards the same lots that had been particularly applied for, have been given to some more favoured applicant, and also much other Land in those Townships has been granted to persons who never had seen it, and probably never will, by which means (independent of the

partiality) large quantities of Land in this province lie waste, which otherwise would be in a state of cultivation and affording some industrious man subsistence for his family.

The appropriations of certain moneys voted by the Provincial Parliament for the purpose of laying out and improving high ways and roads have afforded another subject of complaint; it is conceived that this money was intended for the community at large and for that purpose it was placed into the hands of the Executive Government, by which it was allowed to be laid out rather for the conveniency and benefit of an individual than for the general good.

We have thus above stated to your Excellency the most prominent Acts that occur to us, and to which we alluded in our address to Mr. Justice Thorpe, feeling and knowing as we do the operation of these acts, induced us to say, what in reality we meant, that we hoped under your Excellency's administration a change of such measures would take place, and that Justice would extend its influence pure and unmixed. Convinced that it was ever the intention of our beloved Sovereign that equal Justice should extend, and that our excellent Constitution should be impartially administered to his subjects of every description, it is with real regret that we find ourselves under the necessity of observing that we are apprehensive those gracious intentions have not in every instance in this Province been strictly adhered to; and we will confidently add, that while one Loyalist is made a partaker of his Majesty's bounty and another precluded from enjoying the least reward for his long and faithful services; another after having been considered a proper subject for his Majesty's promises to extend to, is suddenly and without his knowledge deprived of those benefits which he expected were insured to him; And others after having been promised land on certain terms, without ever being informed there was any other condition annexed to it, are told that the promise had become void, and while one man is refused Land in certain situations under the pretence of there being none vacant, another is allowed whose claims are intrinsically no better to take up those very lands; and that while our public moneys are appropriated to accommodate individuals without regard to the public good, we fear that complaints will continue to exist, and that few can say, "Justice extends its influence pure and unmixed." Deeply impressed ourselves with the most lively sentiments of respect to our Sovereign and sincere attachment to our most excellent Constitution, we feel anxious to see such measures pursued as will tend to conciliate the regard of his Majesty's subjects and strengthen their attachment to the Government.

We beg leave to return our most sincere thanks to Your Excellency for this condescending mark of goodness in thus inviting us to lay before you our grievances, with the assurance that they would claim your attention. And we also beg leave to assure Your Excellency that is with real reluctance we trouble you upon subjects of this nature, and that we shall ever avoid doing it, excepting when we think we have complaints that are serious and well grounded.

It is with pleasure we observe that the situation of the Loyalists in this Province has claimed your early attention, and we earnestly entreat Your Excellency's further consideration of that deserving class of subjects who so well merit your humanity and attention.

We are with sentiments of respect

Your Excellency's most obedient Humble Servants.

CHARLOTTEVILLE

1870.

No. 2.—JOSEPH BRANT TO JUDGE THORPE.

(p. 48.)

BEACH, Jan. 24, 1807.

MY DEAR SIR,—I regretted when last at York, the existing circumstances deprived me of the pleasure of seeing you. Since last summer some feeble hopes we entertained of having our business concluded here to our satisfaction, as also the want of pecuniary means have caused us to delay making another attempt in

Europe, which we are fully convinced to be the only place from which we can entertain any reason to expect redress. We are now therefore making preparations for the Journey & hope to be able to set off the latter end of next month, it will give us peculiar satisfaction if you may please to favour us with the letters to your friends you were so good as to promise acquainting them with as much as you may think proper, of the treatment you have seen us receive and the apparent impossibility of our receiving satisfaction in this question.

We will either both go or Mr. Norton (Teyoninhikarawen) singly as circumstances may admit, as during the war I ever confided in the good faith and honour of His Majesty's Government I yet feel assured that they will undoubtedly confirm to us what we have received from his Majesty's representative Sir Frederick Haldimand who had been witness to our fidelity as a due reward for our Loyalty and compensation for our Losses.

Sir, I have the honour to be,
Your most obedt. humb. Servt.

JOS. BRANT.

Endorsed. Address to the Lt. Governor from the Home District on his arrival and an answer to the Lt. Governor from the London District on his assembling the Grand Jury again for the purpose of making them recant what they had said in their address to Mr. Thorpe. Also a private letter from Capt. Brant to Mr. Thorpe, these will show some of the grievances the people complain of & the state of the Indians, who are dissatisfied while England expends thousands for them, but the expenditure goes into the pockets of a few individuals.

No. 3.—JUDGE THORPE TO LIEUT. GOVERNOR GORE.

(p. 83.)

SIR,—Since I had the honour of conversing with Your Excellency last, I have anxiously considered if by any mode I could with propriety decline being a member of the House of Assembly, & whether I look to England or the Colonies, I can find no one authority to cover a manifest dereliction of principle. Judges are considered of the utmost consequence in the Legislature for which reason many are created Peers & all Judges have sat in the Commons except such as are constitutionally to attend the Lords to assist when a Court of Justice. I have known a Chancellor of the Exchequer sit in his Court and conduct all the business of finance, the Master of the Rolls, the Judges of the Admiralty & Ecclesiastical Courts, the Chief Justices of Ely, Chester & the Welsh Judges &c. &c. the Judges in Canada and in the other Colonies have constantly sat in the House of Assembly. I do not feel that it can lower my respectability, or familiarize me more to the people. I do not intend to solicit a vote. I never have been among the people. I know very few, not even those who have been most forward in presenting me with addresses and I am satisfied I shall not know one more or less by his voting for or against me. I cannot think myself more a servant of the people or less a servant of the Crown, because I am in the House of Assembly, nor am I more firmly bound to their service from being in the Commons, than I am sworn to their service in being a Judge. I am sure nothing under heaven could induce me to sit a day, if I was required to support any act that might tend to diminish the prerogative of the Crown, or contract the privileges of the people, no one will receive less benefit from such a situation than myself, it must be attended with labour, anxiety & a diminution of my domestic felicity, which is my greatest happiness on Earth, nor will any one benefit more from my holding such a situation than Your Excellency, because I am satisfied you are desirous to fulfil the promise & put in force the beneficent intentions of our Beloved Sovereign to his faithful people of the Province, because I confide in your good intentions to uphold & enforce that constitution so liberally bestowed on this Province, by the British Parliament & because I am convinced it is your sincere determination to endeavour to make this province valuable to Gt. Britain.

Why then should I unnecessarily stain my character by retracting? & relinquish a situation in which I may render service to my King, my Country, your Government, the Province and the People?

The first moment the idea of my being returned was suggested, I hinted it to Mr. Walton from Niagara, but no allusion to an objection was thought of in his answer, I had not landed there an hour, when I was waited on by a deputation from the freeholders (there convened) to request I would be their Representative. I had no time for reflection & replied immediately, that if it was their wish to place me in the House of Assembly, I would discharge my duty faithfully. The German settlement and others have sent the same request, and I have given the same answer. What then would be my situation if I were to recant? That influence I have laboured to obtain for the purpose of doing good would be turned into disgust, the Bench would be thrown into contempt and the Juries would be paramount.

I have endeavoured to live thus long with the preservation of my honour to the highest pinnacle, & it must continue to the last moment of my life; it has diminished my future & lowered my situation, but my children shall be taught to estimate private honour & public virtue as inestimable; it may be all left for me to bequeath or for them to inherit.

I have the honour to be, with the highest respect,

Your Excellency's obedient & very humble servant,

ROBT. THORPE.

No. 4.—ADDRESS, ELECTORS OF YORK, DURHAM AND SIMCOE.

(p. 87.)

To all whom it may concern.

Whereas a goodly number of Independent Electors for the Counties of York, Durham and Simcoe were convened in the town of York, on the 24th July, 1807, for the grateful purpose of taking into consideration the sufferings of the Honourable Mr. Justice Thorpe, whose situation was represented by many (not his friends) to be very deplorable, and after mature deliberation, thinking it their duty, and feeling perfectly willing to make restitution to the Hon. Judge for the loss he had sustained by yielding to their entreaties and repeated solicitations for him to represent them in the Parliament held in His Majesty's province of Upper Canada; and having thought better to make known the result of the meeting in a unanimous address to the Honourable Judge, wherein they expressed the deepest sorrow for the treatment he had received, the sanguine expectations they cherished in his uprightness and perseverance, and finally solicited him to accept of them what he would have received from Government, had he not condescended to represent them; And whereas, since the said meeting was held for the above benevolent purpose, a number of persons, some of whom are electors and some not, have taken upon them to say and publish, that they do not believe after strict enquiry, that such a meeting was ever held; and if it were, then it was a private illegal one. Therefore we the subscribers, being free and independent electors of the said Counties, who were present, do positively aver, that there was such meeting at the time and for the purpose as above stated, and that the address to the Hon. Mr. Justice Thorpe did there pass in the form and manner published; and we who were not presently do firmly believe that a meeting at the time and for the purpose above mentioned was held by his Majesty's Loyal, free and independent Electors; and being pleased and well satisfied with the address which passed at said meeting, do give our hearty concurrence, in confirmation of which we have hereunto set our names.

May God ever bless his Majesty King George the Third, and prosper his loyal subjects in all their lawful undertakings.

Joseph Shepard
Richd. Lippincott
Alexander Montgomery
Hiram Harrison
Michael Cotts
Adam Brinish

Daniel Deharr
Samuel Bentley
John Kennedy
James Kennedy
Sam. Bently Jun.
Elijah Bently

Geo. Quanz
John Ney
J. H. Barmeister
C. F. Cornelius
Mart Rumohr
John Stohmm

Reuben Wait	James Oborns	John Stoper
John Chilson	Josiah Hemingway	Peter Stoper
Joseph Cody	John Vicheller	Paul Kiessing
John Jens	James Osborne	Joachim Pingle Sen.
Ephraim Wheeler	John Roch Junr.	Joachim Pingle Jun.
Wm. Hughes	J. P. Radelmiller	John Baye
Stephen Barleere	John Krankheide	Jacob Evers
Jedediah Britton	Henrich Somerfeld	Jacob Keffer
Nath. Hastings	Johannes Koch	Johannes Oster
Asa Patrick	J. G. Wiehm	Johannes Smith
T. Gilbert	J. W. Nanhults	Peter Graham
Sam. Fraser	N. H. Hubner	Peter Musselman
David Patterson	Abraham Orth	Johannes Fisher
Joshua Brigley	Jacob Burgman	Johannes Schneider
Elijah Hawley	Christian Steckley	Valentine Fisher
Francis Hover	Peter Musselman	Conrade Grom
John H. Hudson	Christian Heyse	Johannes Sprischer
William Jones	Chasper Sharg	Cornelius Van Nostrand
George W. Post	Peter Brillinger	John Wilson
William Knowles	Philip Lichte	William L. Wilson
Thomas Ray	Wm. Pip	James Van Nostrand
George Davis	Nicholas Steffens	Henry Clunes
John Smith	J. Nicholas Steffens	Henry Lamers
Adam Stevens	J. H. Bauer	George Cutier
David Stevens	John Heinke	Solomon Klauch
Jonathan Stevens	J. Philip Eckardt	Timothy Wheeler
John Stevens	J. Carl Ritter	Martin Holder
John McGahen	Moses J. Hemingway	Andrew Wilson
Eleazer Lockwood	Amos Smyth	Daniel Surles
David Thrasher	Henry Leopard	James Finch
Benjamin Wilson	John Tyrer	Richard Lawrence
William Morrison	John Martin	Anty. Hollingshead Jun.
John Burk	Matthias Browne	Ezekiel Benson
John Burk Jun.	Simon Malery	William Johnston
Josiah Burk	James Palmer	Anty. Hollingshead Senr.
Ebenezer Hartwell	John Jolin	Ebenezer Cook
John Wood	J. Lyndemen	Henry Bartholomew
Nathan Walton	John Dubery	George Limon
Samuel Willet	Frederick DeHoen	Gideon Orton
Nathaniel Haskill	Ulrich Borkholder	G. W. Patterson
Joseph Haskill	Nicholas Coper	George Tisler
John Jones	Nicholas Miller	William Macklen
Joseph Caldwell	Jesse Bennet	Osborne Cox
Myndert Harris	John Riemann	Cornelius Anderson
Myndert Harris Jun	John Shank	J. Macklen
Samuel Gifford	John Trightner	George Taylor Denison
Daniel Crippen	Peter Frank	Thomas Mercer
David Crippen	Solomon Stump	Samuel Mercer
Asa Callender	Henry Kersteler	Jonathan Hale
Alexander W. Ross	Adam Rubert	Walter Moody
John Odell	Christian Christner	William Moody
Chatwell Persens	Leonard Bretz	W. Moody
Luke Smades	Johannes Lein	Jacob Perkman
Joshua Smades	Abraham Stump	George Bond
Robert Clarke Jun.	Michael Borkholder	Peter Whitney
Jonathan Bedford	John Enticott	Simon Morton
Sam. Marsh	John Van Zantee	Richard Powers
Wm. Dumont	Calven Emes	Christopher Teal
Martin Hoover	Colin Drummond	Timothy Millar

Martin Kurtz
 Samuel Pfeiffer
 Elijah Lang
 Daniel Hoover
 Christian Weitman
 Joseph Heyse
 Henry Schenk
 Michael Schenk
 John Clendennan
 Peter Anderson
 John Stickle
 Elijah Millerd
 Weston Stephens
 Ezra Pope
 John Slessor
 Peter Miller
 Joseph Plumb
 Isaiah Booth
 Reuben Patrick
 Jacob Stover
 Henry Lichty
 Jessie Teats
 Norman Milliken
 Peter Helier
 Peter Brooks
 David Wiemer
 John Clendillon Jun.
 Uzel Wilson
 James Lundy
 James Pettibone
 Azariah Lundy
 John Hamilton
 Peter Deagier
 James Deagier
 John Miller
 Mathew Mills
 William Watson
 Jacob Miller
 George Boils
 Michael Carter
 Joshua Miller Jun.
 Henry Wideman
 Jacob Weedman
 Christian Hoover
 Henry Pingel
 George Pingel
 Nicholas Hagerman.
 John Keafer
 Joseph Phelps
 Edward Clark

Silas Emes
 Garret Van Zantee
 Daniel Loughlan
 Alexander Legg
 Elias Anderson
 Thomas Mosley
 Daniel Herrick
 Zachariah Galloway
 Thoday Cole
 James Cole
 W. D. Forest
 Ch. Vanvalckenburgh
 Wm. Knott
 Wm. Smith
 Sam Wightsides
 Wm. Holloway
 Thos. Jobbit
 Thos. Smith
 Wm. Lancaster
 John Stonar
 Peter Stonar
 William Sterrett
 John Hunter
 John Duggat
 John Hartwill
 Silas Sargeant
 Robert Lackie
 Ephraim H. Payson
 John Closson
 Wm. Hunter
 Sam. D. Cozens
 Jacob Crawford
 John Crawford
 Samuel Munzer
 Peter Winter
 Benjamin Corey
 John Moses
 Caleb Crawford
 Isaac Garow
 John Lyon
 John A. Lawson
 Andrew Lawson
 Samuel McCaffy
 James Ashley
 Abraham Van Horn
 Melger Quantz Sen
 Frederick Quantz
 John Earl
 Joseph Cogsell
 Stephen Howard

John Evans
 Thomas Stoyles
 Benjamin Davis
 John Haynes
 Timothy Evart
 John Berry
 Richard Wilson
 Alexander Thompson
 Joseph Ogden
 Isaac Mitchell
 John Smith
 James Wilson
 Samuel Giles —
 Isaac Wilson
 A. Lymberner
 Andrew Clerk
 William Lyberner
 Joseph Haynes Sen.
 Joseph Haynes Jun.
 Philip Haynes
 Jacob DeLong
 Hugh McLucey
 Oliver Prentis
 Abraham Devins
 John Divor
 John Buckholder
 Jacob McKay
 Thomas Humberston
 Christopher Harrison
 William Harrison
 Thomas Denison
 Seneca Ketchum
 William March Junr.
 Benjamin Gerow
 Michael Wright
 Thomas Gray
 James Johnston
 John Slough
 John Houghgre
 Joseph Harrison
 Alexander Gray Senr
 Alexander Gray Jun.
 William Gray
 Samuel Jackson
 Silas Fletcher
 Robert McMachan
 William Marr
 Samuel Reynolds
 Avery Stiles
 S. E. Howard.

We the underwritten do positively declare that our names appearing in a certain paper headed by E. Hale, high Constable, was contrary to our desires and a malicious libel.

JOHN EDGILL
 ROBERT LACKIE
 WM. HUNTER
 WM. STERRETT
 JOHN HUNTER.

I, the subscriber hereunder written, do positively declare, that I never wrote my name on a certain paper, headed *Eliphalet Hale*; nor did I ever order it to be done by any other person whatever, therefore declare the same to be a scandalous forgery.

ANDREW CLARK.

TO THE PUBLIC.

(p. 100.)

Whereas we have well known that certain persons in office have been busily employed for near three weeks in prevailing on various descriptions of people to sign a paper purporting their disbelief of a meeting held by independent Freeholders of York, Durham and Simcoe on the 24th of July at Hoyle's Tavern, York, to address the Hon. Mr. Thorpe; this paper we paid little attention to then, because we were satisfied the public perfectly understood the object and motive with which it was carried about; however, as we now find the contents of that paper have been published in the *York Gazette*, under the authority of the High Constable Mr. E. Hale; we feel ourselves called on, as Chairman and Secretary to the meeting, to declare there was not only one, but two meetings, the first held at Yonge street, the second in York; That the principal object of the Freeholders was concealment of their intention from the Judge until the object was carried into effect; and to call only such to the meeting as could contribute without injury to themselves or families; And we do further declare that the Freeholders were willing to have their names published with the address, but on the Secretary's waiting on the Judge with a copy the day before it was presented, the Judge himself requested the names might not appear, as he said "too many had already suffered for declaring their attachment to him." However, we now find it is the wish of those who did sign then, and of others who could not attend at that time, but have since signed, to have all the names published, and we shall send them accordingly by the first safe opportunity for insertion in the *Upper Canada Guardian*.

JOSEPH SHEPARD
ALEXANDER MONTGOMERY.

Sept. 4, 1807.

TO JOSEPH WILCOX, ESQ.

(p. 101.)

SIR,—Messrs. Shepard and Montgomery having sent the above piece to me to get printed in the *York Gazette*, I carried the same to Mr. John Cameron, who positively refused to publish it, I now forward it to you for insertion in your paper. You will shortly hear from Messrs. Shepard and Montgomery, who are now deeply engaged in their harvest.

JOHN VANZANTEE.

No. 36.—JUDGE THORPE TO SIR GEORGE SHEE.

(*Canadian Archives, Series Q., Vol. 310, p. 113.*)

DEAR SIR,—The meeting of the Legislature is now over, and it becomes necessary to inform you once more of the state of this Province, but as this letter will contain every thing not already mentioned, I hope it will be the last I shall be obliged to trouble you with.

After the people had forced me into the House of Assembly, they told me their grievances 1st that the Executive Council would not account for the money raised by Taxes, 2. That the proclamations by which they were brought here were unattended to by the Executive Council, 3. That the Land was given partially, Fees taken and laid on according to pleasure & the money never accounted for. 4. That their Representatives were all bribed with the Crown Land and that they had a

petition for the King now ready. I promised to do all I could mildly here and that I would write to you warmly, on condition of their giving up the petition for some time, which they agreed to do. These complaints I must explain. By the 14th of the King, C 88, a Tax of £1. 16s. was laid on Tavern Licenses, and all moneys arising from this the Executive have taken and appropriated without accounting to Parliament, again by the aforesaid Act and by the 15th of the King, C 40, duties are laid on Rum, Brandy &c. &c. coming into the port of Quebec, now by an Act of this province, 41 of the King C 5 similar duties are laid on the same articles coming into this province from the United States, this also the Executive Government contend is raised under British Acts, and take to themselves without accounting for any of it to the House of Assembly here; by the 18th of the King C 12 Gt. Britain generously gave up all right to taxing the Colonies except where necessary for the regulation of commerce, & then the produce arising from such Tax was to be applied to the use of the Colony in like manner as moneys raised by the House of Assembly; this Statute is recited in the 31st of the King, C 31, which gave the Constitution to the province; at the passing of which Act Mr. Pitt said it was the intention to bestow the British Constitution on the province because it was the best in the world and would therefore leave nothing to be envied from our neighbours, and Mr. Fox with his usual great political wisdom at the same time declared "that would reconcile him to any imperfection in the Bill as to give such a Constitution & conciliate the affections of the people, was the only mode by which England could restrain such distant Colonies" yet in defiance of all this, the Government to retain the control over a pitiful thousand a year (which they could as easily control through the House of Assembly) will continue the system which lost the States of America, until they have brought this fine country to the verge of a similar situation. I grieve to the Heart to see this weak, passionate, self-sufficient Governor bred in the Army, surrounded by a few half-pay Captains, men of the lowest origin with every American prejudice and every idea of military subjection, and directed by half a dozen storekeepers, men who have amassed wealth by the plunder of England, by the Indian Department and every other useless Department, by a Monopoly of Trade and extortion on the people; this shopkeeper aristocracy who are linked from Halifax to the Mississippi, boast that their interest is so great in England that they made Mr. Scott (their old Attorney) Chief Justice by their advocate Sir Wm. Grant, that they will keep Lt. Governor Gore in his place, drive me away, and hold the people in subjection; but these rapacious, ignorant men never reflect that the inhabitants of this province, tho' lately poor, & accustomed to subjection are now independent, and ready to turn on their oppressors, they do not consider that altho' by giving the Crown Lands to the Members of the House of Assembly they keep things quiet for a little, yet that it is adding fuel to the fire, which may keep down the blaze for a little, but will cause it to rage with greater violence hereafter; When the Committee on the public accounts reported that the Executive had not accounted for the money raised as I have before stated I begged that the whole might be referred to Mr. Windham and was convinced that the province would abide by his determination, but nothing like conciliating would answer, a majority was secured & the accounts set aside for a year; thus they imagine they may go on opening and closing their wounds annually; I was anxious something should be done for the Loyalists and Military Claimants & moved the address which I enclose, yet mild and respectful as you will find it nothing could induce the Government to do any thing that could harmonize the people. I endeavoured to get an Act for making great & good Roads, but by various manœuvres that was frustrated; every attempt of mine to promote Agriculture, or encourage the culture of Hemp is defeated, in short every thing must rest with Mr. Windham, and how he may be misled by misrepresentations I know not, but this I well know; that every exertion that this great body of Traders can make by interest, malice & falsehood to depreciate me in Mr. Windham's mind will be tried, but I have too high an opinion of him to suppose I will not be heard, I know my own integrity, I know how laboriously I have done my duty, I know the truth of the representations I have made & I know my attachment to the interest of England; but if Mr. Windham is

not satisfied I am ready to cross the Atlantic to convince him, or if he is convinced that the old system is a safe & good one, let him remove me before the storm begins, I am ready to go anywhere with my large & helpless family, altho' I could make double my salary at the Bar & altho' the people would subscribe to any amount to keep me here, & in the House of Assembly, yet I say send me anywhere, and in any station, where I can render any service, I will undertake it cheerfully.

Mr. Wyatt because he is a gentleman of high honour, and strict integrity has been driven from this, to him I refer you for truth.

I know how much your time must be taken up by the War, I know how little you can give to the Colonies, but in pity to the wretched and oppressed situation in which I stand, with even two lines to express what your wishes are with respect to the Colony & myself.

I am most truly, Dear Sir, your very grateful
& obedient humble servant

ROBT. THORPE.

YORK, UPPER CANADA.

March 12, 1807

I have before stated the value of this province by encouraging the cultivation of Hemp & paying proper attention to Lumber; I have shewn how every expense could be taken from England, & am ready to convince Mr. Windham one hundred thousand a year may be saved if the interest of shopkeepers (who have kept this province in a wilderness for the cultivation of their own pockets) should not prevail; besides if the inhabitants had the advantages the Royal proclamation promised and also the Constitution which the British Parliament intended the Americans would soon envy this province, whereas our best subjects now envy them.

Enclosure.

ADDRESS OF THE LEGISLATIVE ASSEMBLY TO LIEUT. GOVERNOR GORE.

(p. 121.)

MAY IT PLEASE YOUR EXCELLENCY,—

We His Majesty's dutiful & loyal subjects the Commons of Upper Canada in parliament assembled are highly gratified by your attention to those truly deserving persons who joined the Royal Standard of the United Empire, previous to the year 1783. With great delight we also reflect on your humane desire to alleviate the misery of their unfortunate children, but regret to learn that instructions from His Majesty's late Ministers have prevented your liberal intentions being carried to their utmost extent, such instructions we are confident must have been obtained by misrepresenting the condition of these meritorious subjects, and also from misunderstanding the political state of this province.

We therefore beg leave to assure you that great injustice has taken place with regard to these loyal people & the utmost injury to the people at large. But with pleasure we declare our confidence in Your Excellency, & rely on your making such representations as will induce our munificent Sovereign to withdraw restriction, suffering recompense to rest on claim and reward on desert. Thus His Majesty's Bounty will be granted in its fullest extent, & your benevolence gratified in extending to merit its remuneration & and to the province happiness and tranquillity.

We are also anxious to impress on Your Excellency's mind the distressing situation of the military claimants, who from fatuitous circumstances and accumulated misfortune have not been able to come within the Royal proclamation, or derive any benefit from the promised reward which induced them to settle in this province.

These brave men after enduring such toil and danger as have entailed the infirmities of age before they had passed the acme of Youth, these brave men whom the foe could not subdue now in decrepitude & poverty sink vanquished by neglect.

But we feel assured that your beneficent exertions will be equally extended to these unfortunate sufferers; restriction being removed you will hold the scales of justice & by balancing merit with reward, will leave complaint without support & diffuse universal satisfaction throughout your Government.

No. 37.—JOSEPH WILLCOCKS TO MR. WINDHAM.

(*Canadian Archives, Series Q., Vol. 310, p. 126.*)

YORK, UPPER CANADA,
1st Ap. 1807.

SIR,—I was High Sheriff of the Home District of this province and believe no one can charge me with the slightest neglect of duty. I had my Commission under the Great Seal of the province, and received one hundred a year from the Treasury of England, yet without any fault charged, or any reason assigned I have been dismissed. I could procure the most honourable testimony of my loyalty to my Sovereign, and my attachment to Great Britain, together with the signatures of hundreds to satisfy you of my attention in my Office, but the irritated state of the Province is such from the arbitrary conduct of the Government that I consider it my duty to remain perfectly quiet, and rest on your wisdom, justice and humanity that when a new Lieutenant Governor is appointed you will desire him to examine into my case and determine according to my desert.

The great body of people seem to be impressed with an idea that you are apprized of the state of the Province, Your great political knowledge, your talents and private virtues are as well known here as in London and anxiously awaiting your determination tranquillity is preserved.

I have the Honour to be, Sir, with every possible respect,

Your Obedient Humble servant

J. WILLCOCKS.

No. 38.—JUDGE THORPE TO SIR GEORGE SHEE.

(*Canadian Archives, Series Q., Vol. 310, p. 130.*)

DEAR SIR,—Conscious of the excess of business in which you are involved I was in hopes that all trouble from me was over, but on oppression's head oppressions accumulate so quickly it is unavoidable.

My letters had for a long time been opened or suppressed at last on the Post-masters delivering me one with many enclosures before several persons, I remarked that I supposed it had been opened, & on pressing it a little together drew from the side all the letters & on putting them back asked him to account for it, he replied he could not as it had passed many offices before it came to his; in a few days I wrote him the following note: "Sir, I sent twelve shillings, the amount of your demand, & I hereby give you notice for your own and for the information of the other post-masters or Deputies, that if I receive any more letters opened, or can prove that any more are suppressed, I will give directions that such proceedings shall be commenced against you as the Law directs." Now for this kind & quiet step to find out where the fault lay, the Lieut. Governor had me indicted, he wrote to his *learned* Solicitor General for a Law opinion on it, who informed him, it was a libel & at the Court of Oyer & Terminer, the Grand Jury were prepared to find it, & a little before the Court broke up, that it might hang over me for six months. Some of the jury were amazed at its being a libel, but the Solicitor was sent for, and he informed them it was; a friend sent for me, I went instantly to Court where I exposed it to our *wise* Chief Justice, & desired him to crush it, & not suffer the country to be agitated by such an ignorant wicked production. He applied to the Solicitor who instantly declared before the public (altho' what had passed in the Grand Jury Room was told & altho' the Indictment appeared in the writing of his clerk) that he knew nothing about it & beg'd for time; the Court gave him till next day, at which time he

declared he could not go into it, & the Court was adjourned for near three weeks, but before it was to meet a *nolle prosequi* was entered and that after inflaming the Country & attempting to degrade me, they have completely exposed their own viciousness, & rendered themselves if possible more contemptible than before; I have got a copy of the Indictment but I fear to keep up the irritation that prevails among this faction, by trying an action for a malicious prosecution.

The Lt. Governor has dismissed the Sheriff and Gaoler, without any one fault, & what is the consequence? Why the people say every thing is prepared to pack a jury, & that no man's life is safe; the printer turned out, driven mad & put into gaol, and every soul that was intimate with me is persecuted, in short I think it my duty, to acquaint Mr. Windham that under the system Lt. Governor Gore proceeds this province must continue not only useless, but burdensome to Gt. Britain for a little, & on the first disagreement with the States it will be lost, and also Mr. Gore is so privately abandoned and so publicly impolite and profuse, that he has rendered himself contemptible, & is utterly unfit for the Government; these things, & every word I have before written, I am ready to prove at the Bar of the Council in London, provided I could be allowed a small sum for witnesses, as I am so poor from twice removing a very large family, that I could not bring even myself to England: I am fully persuaded of his misrepresentations of me, for he is so capable of falsehood, that he has invented conversations for me, of which I never uttered a word, & with persons to whom I never spoke a syllable, but as for myself, I defy him & all the world. I have done my duty, not only most strictly, but have also given the highest satisfaction and, unless it is become a crime, neither to consider my own trouble or interest, tho' in difficulty as to my property, & four thousand miles from my friends, I am innocent of every charge the utmost malice could produce. My letters from the first moment I came here to Mr. Cooke & yourself will explain my motives for taking any part: I found a wretched faction aggrandizing themselves & ruining the Province, a Council that had no right to act made a President without right; the Royal promise refused the people, & the British Constitution denied the Colony; the Council heaped land on themselves & favourites in the best places, & almost without fees, while the people could not get land in the worst places, without exorbitant fees, laid on without law, every useless Department kept up, & every expence on England continued because the money went thro' this faction the province was completely neglected because the people were to be kept in poverty and subjection, complaint was prevented from going to England, because the members of the House of Assembly were bribed with the Crown Lands, but I saw the people ripened into independence against every opposition & that they would not much longer submit. I saw the great value of the Province in the Fur trade, in hemp, in flour, in lumber, & I saw no power that could hold it, but by giving the people a secure root in the soil and leaving them nothing to envy in their neighbours; in truth I saw that by allowing the inhabitants all the privileges Gt. Britain intended, they must be the most enviable & the happiest people on earth, which would render them not only secure to England, but a promising instrument of attaching many of the Northern States of America once more to Gt. Britain. I therefore could not relinquish my duty to England, in the moment of her glorious struggle for liberty against French Despotism altho' by so doing I might have had any land, any power, & every servile attention these wretches could heap on me; but Mr. Gore for whom I had prepared the way to every comfort & every popularity to render great advantage to England, absolute prosperity to the Province, & eternal fame to himself, has preferred being subservient to this faction, supporting all their power & augmenting their oppression here on a stipulation of their supporting him with the Ministry in England, & to complete this, every engine here & every interest in England is exerted to crush & oppress me, & as for falsehood & calumny the whole set are incapable of any thing else, but if ever I get an opportunity of exposing them before the King & Council (for here I dare not let out what I have in my mind from the state of the Province) neither the annals of Tacitus, nor the verses of Cicero, shall be found to produce any wretches, or any system more despicable or oppressive.

Lord North found when too late that the false accounts of Governors & misrepresentations of the independence, determination & resources of the people lost the

United States, but if Mr. Windham wishes to continue Mr. Gore as Lt. Governor he can easily remove me, & I will most willingly determine never to engage in politics, & let him only send me where I can render service in any line & trust me I will do it.

Mr. Russell the Receiver General is old & very ill, therefore Mr. Windham can completely renovate this place he can easily give a judicious Governor & a new Council, for Mr. Grant wants to retire, Mr. Shaw to get on half pay, & Mr. Baby should go out, as he does not attend his duty, & if Mr. Wyatt returns, Mr. Stanley comes out & a sensible man as Receiver General all may go well.

I am dear Sir, your persecuted, grateful & truly obliged
& obedient humble servant

ROBERT THORPE.

YORK 22nd April 1807.

P.S. The Americans have made a great exertion to destroy our Fur Trade. I have given Mr. Wyatt & the British Consul at New York a scheme to defeat them; if you think it feasible you will recommend it to be adopted. I will undertake to have it executed without one guinea expence, & without more Waste Land than is improperly given to corrupt the House of Assembly one session. I am sure you must acknowledge I do not slumber at my post, whether you allow me to watch well or uselessly.

R. T.

No. 39.—JUDGE THORPE TO THE SECRETARY OF STATE.

(*Canadian Archives, Series Q., Vol. 310, p. 173.*)

YORK, UPPER CANADA July 12th, 1807.

As I know not who is Secretary of State for the Colonial Department, I must avoid any particular address, but to the honour, the feeling and justice of whoever may fill that important situation I am forced to appeal, and I shall make it, without any effort to induce any other person to interest or influence him because I am satisfied he will be above being biased by the strict line of justice, by the power, connexion or interest of any person. Lieutenant Governor Gore, without attempting to charge me with any fault, without having the boldness to suspend me from my office (by which I would have had an appeal to the King and Council) has dared to interfere with me in the discharge of my duty, and at the moment I am sitting in the King's Bench as a Judge, a letter comes to the Chief Justice desiring him to arrange the Circuit as he had given directions to have me left out of the Commission of Oyer and Terminer; with great respect I beg leave to say that neither his Commission nor the Royal Instructions, have armed him with authority thus to interfere with my duty, thus to insult me & others to rob me of two hundred pds, but what can justify an act which will produce universal discontent which will resound throughout the Province, and ring across the Atlantic until it awakens justice at the gate of St James's, if you do not interfere strongly, this is what I have long dreaded, for eight months I have prevented the people from sending a petition to the King, because I know the misery that often follows from the people taking a part, & because I know that the American people consider that if their remonstrance is not attended to that they are justifiable in revolt, under these circumstances when the Chief Justice informed me that I would get leave of absence I told him I dare not go, because I knew the convulsion it would cause; I implore you to interfere not only for the sake of England & the province, but for the cause of humanity, you have full statements from me do something to harmonize the people, tell me what you wish me to do & if you desire that I should go from this I will try to retire without irritating the public mind; at the same time I declare that Mr. Gore is perfectly incapable of governing this province, he is weak, passionate, arbitrary & self sufficient to uphold the power he assumes, he descends to the most unjustifiable means, has the lowest agents, does the most oppressive things, interferes most presumptuously, is prodigal in promise & reward to effect his purpose, & appears to have no regard to truth even in conversation; he thinks (because he

wishes it) that the people can still be deceived & kept down, but it is insanity, they remember the Royal promise by proclamation, they know what the British Parliament gave them by Statute, they have passed over the weight of toil are now independent and will enforce their right: I have given the fullest information to the Secretary of State's Office, I have laboriously discharged my duty, I have sacrificed every comfort, I have disregarded every advantage the Government here could bestow & I have suffered every oppression they could inflict, which extended almost to the deprivation even of bread from my family, for the purpose of preserving tranquillity, of preventing petitions & of holding them attached to England, giving every assurance that their grievances would be redressed without remonstrance or delay.

I know how your time must be engrossed by the war, and by the Colonies of apparently greater importance, but I beseech you to consider for an hour about this distracted Country; let any one examine my representations from 1805 every word of which (& much more) I am ready to prove, see how they hang together, examine Mr. Wyatt & Mr. Jackson who have lately gone from this, then look into Mr. Gore's misrepresentations & if there remains a single doubt call on me for proof. I hope in my composition I have no revenge, I shall not seek to bring forward charges unless you desire it. I do not wish to remain here or take any part but as you desire. You will observe by what insensible degrees I have been led into my present situation and you may judge how happy I would be to get relieved. I declare to God in a charge to a Jury, or in any other shape from the Bench, I never uttered a word of politics or made the slightest allusion to the Government, then how can this attack be palliated, but what may I not expect when even my letters were opened and suppressed in the Lt. Governor's Office.

This faction is capable of anything, I think they will assassinate me. I have a wife, a sister and seven small children, four thousand miles from friends: in their misery do not forsake them.

I have the honour to be, Your Obedt. Servant

ROBERT THORPE.

Excuse much of this. I write it in hurry & wretchedness.

P.S. On Circuit I never go into any person's house, I know very few, and except once, I went to examine the communication from Lake Simcoe to Lake Ontario, I never was ten miles from home, the people only know me from my public conduct, and voluntarily they have offered a tribute of approbation in every Court I ever presided—this is my crime.

R. T.

NO. 40.—LIEUT. GOVERNOR GORE TO GEORGE WATSON.

(*Canadian Archives, Series Q., Vol. 310, p. 223.*)

UPPER CANADA 29th July, 1807.

MY DEAR MR. WATSON,—I cannot sufficiently thank you for your kind and friendly letter of the 14th of April last, which I received on my return from Lake Huron, after a most delightful tour of about five hundred miles. Perhaps I may send you my journal, but if I do, it must be on condition that you do not print it.

Thank you for the admirable letters you enclosed, they brought every circumstance of a late transaction clearly before me, and the author merits the esteem of every honest and independent Englishman. I should like to know if all the Talen have reply'd to them, if they have do not forget me.

As you have touched on the political situation in this Province, it gives me an opening to state some particular circumstances to you, which will I am convinced prove to you, that I am and have been placed in an embarrassing situation. I mentioned in my former letters, that the opposition to the Government was heated by Mr. Justice Thorpe, and it appears in your last letter that you are apprehensive I may allow my feelings to hurry me beyond the line of prudence. Unassisted as I am, I hope my conduct will appear moderate. You will have seen my dispatch

to Mr. Windham (No. 20) giving that Minister a narrative of Mr. Thorpe's conduct and proceedings since his arrival in this Province, accompanied by some very strong documents. In that dispatch I state, having resisted the advice of some of the most respectable persons, who urged me to suspend Mr. T. from the exercise of his functions as a Judge. I have I think done my duty, in representing the conduct of this Gentleman and it now rests with the Ministers, either to support the established Government or permit Mr. T. to erect an independent Republic, indeed if those representations are not attended to, I know not what I can urge to attract the notice of His Majesty's Colonial Ministers. Do not imagine that I can suffer a Faction to provoke me to a personal controversy, altho' every attempt has been made (since Mr. T. found I was determined to support the Executive Government) by the most infamous and disgusting calumnies being propagated, to injure my public and private character. I have treated them with the contempt they deserve. I shall affect to look upon them with indifference, but they shall be narrowly watched, and when the blow is ready to fall, it shall not be administered with a light hand.

I have enclosed you the copy of an anonymous letter received from New York. As these kind of letters are seldom to be much regarded, I had thrown it aside; indeed it occurred to me that it was a trick of Mr. Thorpe's party to urge me to some step, of which they might take the advantage. The last mail has put me in possession of the author's name, (a merchant of much respectability at New York) who has promised to continue his information. I have in consequence sent a confidential person to New York, who from his connexions there, I hope will be enabled to get an introduction to Emmett and Cheetham, and if any seditious or treasonable correspondence exist, I think that person will get at it.

Mr. Wyatt who drove me to the unpleasant step of suspending him from the office of Surveyor General, handed a paper about at New York which stated from the tyranny and oppression of this Government, the Colony was on the eve of a revolt. I am in expectation of receiving the particulars of Mr. Wyatt's conduct when in America from Mr. Barclay the Consul.

I have thought it expedient to direct that Mr. Thorpe's name should be omitted in the Commission of Assize about to be issued; in adopting this measure I have consulted the peace and welfare of the province. Surely no one could approve of my allowing Mr. T. to have another opportunity of disseminating his wicked and inflammatory doctrines from the sacred seat of Justice. When he has called upon a Jury to interfere in the Government of the Country by opening his address from the Bench with "The fifteen years disgraceful administration in this Province, calls loudly for your consideration." It reminds me of the passage in the Bible: "To your tents O Israel." This worthy Judge is involved in Law Suits, in one instance he had the modesty to leave the Bench to plead his cause at the Bar. I have enclosed you the copy of a letter from Mr. T. to our *poor devil of a Chief Justice*, which I have requested him to treat with contempt. This letter is a fresh proof, if any were wanting, that he considers the exercise of his functions as a Judge, a matter only of secondary consideration. His first and great duty it seems is to thwart and attempt to control the Executive Government, and if, as he has the effrontery to assert, almost in plain terms, he was sent out with *direction* so to do, he has indeed done his duty *strictly and laboriously*. I should here observe that Mr. Thorpe has impressed the belief on the public mind, that he received positive directions from our friend Cooke, to watch the proceedings of the Executive Government, and to transmit monthly to the Secretary of State an account of the situation of the province. Although I am convinced of the absurdity and falsehoods of such statements, yet it is difficult to undeceive the public, and I wish Cooke would contradict his impudent lies, or at least permit me to do so in his name. Cooke is possessed of too much good sense to confide in a person whose character he was unacquainted with.

I have given you too much of Upper Canada politics, but I am anxious that you should know what I am about, as I have no doubt you have your fears, that my warmth or stupidity may drive me into errors.

Tell Cooke (in confidence) that our Chief Justice finds himself so much out of his way, by having engaged in political controversies, that I *know* he would resign

on his being secured £5 or £600 a year. Mr. Scott is an honourable, good man, but is extremely timid both on the Bench and in his political capacity that he never decides. You may easily conceive some of my difficulties, when I inform you that I have been obliged to write to Mr. Alcock for an opinion on a Provincial Act.

Write to me freely, you know how much I stand in need of advice and assistance. When you see Lord and Lady Camden offer my very best respects to them. Tell Lord C. that Captain Givins arrived here in May, and I have found in him a most useful and intelligent Officer.

Remember me to Cooke, and Believe me

My Dear Watson

Aff. Yours

F. GORE.

The anonymous letter, copy of which was enclosed, is enclosure 8 of No. 33, of this note (Gore to Castlereagh). The foot notes are in the copy sent to Watson, pp. 230 to 234, and are added in the copy at No. 8 of No. 33.

No. 41.—JUDGE THORPE TO SECRETARY OF STATE.

YORK, UPPER CANADA

August 14th, 1807.

Under the present system of arbitrary oppression all my letters are stopped and opened, & those from me intercepted, so that I neither know who is Secretary of State or whether my appeal to his justice will ever be received.

When I was first informed the Lieutenant Governor had directed my name to be omitted in the Commission of Assize, I wrote indignantly on the instant, & feel lowered at being so roused, pray pardon any unpremeditated warmth of expression. I enclose an address which was presented to me from the freeholders of the adjacent counties with six hundred dollars; in the present disturbed state of the public mind & at the moment of threatened trouble to soothe and conciliate I was obliged to pledge myself in my answer that redress was rapidly approaching.

When I was first sent to America, I was desired to give every information I could obtain to the Secretary of State. I was indefatigable in research. I viewed the magnitude of British North America from Newfoundland to Nootka Sound, from the North Pole to latitude forty, I considered its physical & political advantages & found it capable of being made the greatest Empire in the world. I beheld her with a bosom of plenty in youthful luxuriance, nurturing her venerable parent & I rejoiced for my Country; I then turned my mind to the minute considerations of the Colony in which I was placed, I strove to cherish what was in infancy, Fur, Flour & Potash, & to bring forth what was in Embryo, Iron, Hemp & Lumber, & while I laboured to increase her value, I pointed out the mode of lessening her expence to Great Britain; I then contemplated her danger, her distance from England, her contiguity to the American States, her internal resources & the disposition of her people. I perceived there was no security, but from the unanimity and affection of the Inhabitants and found her radically insecure, because the people were disaffected to the Government, yet England had every good disposition to make her prosperous & happy, with every thing enviable on Earth to bestow in a rich soil & temperate climate, she directed land to be given under the most honourable tenure, she ordered the law & Constitution of England to be administered. She sent utensils and provisions for those who had suffered from their attachment to the Empire, she gave establishments and protection without expence; all, without rents, rates, tythes or taxation, & lastly she invited settlers from the States to increase population and participate of these blessings; here was liberal reward & political wisdom in the extreme, but poisoned in administering; the officers in the land granting Department from avariciousness to obtain some paltry fees, threw every difficulty in the way of the Loyalist and invited Settler, because by proclamation they were promised land without fees; those whom they could not frustrate were sent to a distance in the

wilderness unless they were favourites, or convenient subservient men, the valuable parts were granted in large tracts to themselves, to complying members of the House of Assembly, to those who could pay fees, or to any who would be serviceable in the basest projects, in short the Crown Lands were bartered so openly for private emolument & public corruption, that the people were disgusted, the Constitution they so fondly looked for was withheld, the public money was not accounted for before the House of Assembly, and they concluded it was embezzled by the servants of the Crown, they heard Gen. Hunter had sent near thirty thousand pound to England, they saw this Lieut. Governor endeavouring to frustrate the verdict of an honest Jury, & openly endeavouring to overturn the freedom of Election, making the worthiest men victims, not only to their votes but even to their supposed inclinations; add to this the exertion and oppression of the Shopkeeper Aristocracy who rule British North America with a rod of iron, a voracious set, who are linked from Newfoundland to the Mississippi, with great interest in England, & even protégés in power, every man on his arrival becomes their debtor, and lest he should ever get extricated, they make every effort to defeat any project that might bring forth the energies of the people, they are universally the Magistrates & enforce the demands of each other, they make every exertion to make any expecence in England from being curtailed, because every disbursement passes through their hands and finally becomes their acquisition, the land & produce is at their mercy, but when the people saw them made the friends, companions & advisers of the Lt. Governor, with everything at the command of the upstart wretches whom they had lately known in the most despicable situations, they were ready for revolt, the cup of bitterness was full, & looked to a rupture with America as joy; in many places they have met & trained on the Anniversary day of American Independence as they were accustomed to act on the King's birthday & they behold the Americans building forts, & embodying their Militia on the opposite side of the St. Lawrence as a preparation for the dissolution of their bondage. My letters to the Secretary will shew how long & how fully I have represented the state of this Province, & the causes which gave rise to this universal dissatisfaction, they will prove for what reasons & by what insensible degrees I have been brought forward, I have detailed every act, every thought, they are documents to prove my principles and my investigations, but nothing can shew you the wicked & despicable attempts that have been made to oppress and drive me from every principle of duty & force me into their destructive faction. I fear much evidence from the Eastern part of the Province on account of my not going Circuit, altho' I never was there the people fancied they would find satisfaction from my conduct, as the other parts of the Colony where I had presided had taught them to expect, and surely this was no time for the Lt. Governor to rouse indignation by shewing his puerile enmity to a man who never had done him an Injury? but who laboured to prepossess the public with the most favourable idea of him even before he arrived, until the violence, the ignorance, & the meanness of his conduct forced me to give him up. I know he has no regard to truth, & that he is capable of employing the vilest tool to say & swear to any calumny; I am satisfied that my opinions on the unnecessary expence that is heaped on England, the illegality of fees, the land jobbing, & the arbitrary system that is pursued, has raised me a host of foes; but I defy all the world to lay any crime to my charge, either in my public or private conduct, but that I am poor, & that neither myself or wife (from being reared in the lap of affluence) understand the management of money, & at the same time I will pledge myself to prove the truth of every line I have ever written to your Department, & justify everything I have ever done or said, in or about the Province, and should it ever be my good fortune to go before the King & Council, I will lay open such a scene of depredation, oppression & vicious conduct as must naturally have incensed the people & that the system I have ever proposed is the only one to harmonize & conciliate the people, to preserve the Province, prevent its being burdensome render it valuable to Great Britain. One step more & I have done. We are on the verge of what I have often depicted & long feared, yet in this desperate state I would pledge my life to satisfy every grief and unite almost every being in a fixed determination to preserve in the

last extremity the Province to Great Britain, & in such a wilderness so intersected with water it could be easily done were the hearts of the people more animated in the cause, for they love England and her Government, but they feel themselves trampled on by those they despise, they find themselves defrauded of the Royal promise which they know was intended to be fulfilled; they see that neither the British Law or Constitution is administered to them & that where they expected to be freemen they are treated like slaves.

I enclose you the last address of the Indian Chiefs to the British agent in which you will find they accuse the Executive of embezzling their money, they also desire their money to be laid out in this Province, but their money being placed in the English funds, is the strongest tie to hold them to Great Britain, & my influence is such with Brant & other Chiefs that I will undertake to reconcile them to the money going to England, if they are only done justice to in other points. Surely their demands are moderate, & it is only just, wise & politic to grant what will satisfy or conciliate.

The worthy & intelligent Mr. Cooke, when he congratulated me on this appointment, told me it was worth one thousand a year. I could now convince him I do not receive above six hundred & fifty, & that I have been cheated in two years of three hundred pounds circuit money; however I must now entreat (as a mark of disapprobation of my being prevented from going Judge of Assize) that you will give directions for the Lt. Governor to issue a warrant for my receiving the money allowed for the Circuit I ought to have gone in my turn it will be justice to me & gratifying to the Province.

Would it be your pleasure to continue the old system, I must pray of you to place me in any other situation where I may render justice in tranquillity, or serve England in any shape, but *here* where every attempt has been made to deprive my family even of subsistence, & every indignity has been offered to myself it would be impossible to remain, but if the system is changed, & a new Governor will make justice the basis of his administration, I can ensure him & the people happiness, harmony and prosperity.

I have the honour to be (with great respect)

Your much obliged & obedient humble servant

ROBERT THORPE.

Enclosed.

GRAND RIVER INDIANS TO WILLIAM CLAUS.

(p. 262.)

To William Claus Esq Agt. Ind. Affairs &c. &c. &c.

Brother,

You'll excuse us for so often troubling you upon the same subject, but having lately held a Council of our Chiefs on the Grand River on which we were unanimously of our former opinion & resolved that Mr. Penfield should have the grant for the Township originally sold to Philip Stedman, & by P. Stedman to Mr. Hageboom & Hageboom to said Mr. Penfield, Mr. Hageboom having paid us a considerable sum, we should regret that he should lose anything by us, & from a connection between Mr. Penfield & him, we think Mr. Penfield the proper person to have the grant in order that none may be losers, & that the community at large may know that we deem our words sacred & shall always if possible fulfil any bargain we fairly enter into, as we certainly have in the present case with Mr. Daniel Penfield.

Brother,

With respect to the disposal of any moneys that may in future be paid for land sold by us, it is our wish & desire, that the Trustees put out the money in this country, as the interest on the same will commence so much sooner & if so much greater than if sent to England; the propriety of this, experience has taught you, as it is such a length of time before we can reap the least advantage from moneys sent to Europe, & of course considerable losers; for instance, we have lost, or at least have

had no account of, the interest of £4,602 Hf. Cy. since the 23rd of May, 1804, & on the sum of upwards of £4,000 H. Cy. since May, 1805, on which we expected interest of six per cent per annum, on a low calculation nine thousand dollars, & instead of receiving six per cent we need only expect four per cent from the English funds. All this we wish the Trustees to take into consideration & to study our interest, as it was for this purpose we nominated them, & not the Executive Council who now alone seem to take the disposal of our moneys on themselves.

Brother,

Having been long in an uncertain state with respect to a Deed for the residue of our lands on the Grand River that has not been patented we wish & seriously request you to let us know how far & whether his Excellency the Lieut. Governor has it in his power to give us relief, if he has it not in his power to confirm it to us by patent we would wish to know so, that we should not attach blame to where there is no right so to do, & that we may then apply elsewhere for a regular deed, or grant for the same. The Chiefs hope that with respect to the Land for which Letters patent have issued by authority, that the Trustees do take immediate steps to carry our intentions and resolutions into effect so that we may be reaping advantages from our sale of them.

Brother,

We again repeat that in justice & equity the Land Block No. 1 is the property of Mr. Daniel Penfield, & it is our desire that the grant to him be completed so soon as possible & that the Trustees do take the proper steps to have the same arranged, as we do not wish by quirks & quibbles of Law to evade doing him equal justice with any Lord of the Land.

Brother,

At the Council lately holden at the Grand River, I was by the Chiefs assembled requested to deliver you this, their address, from their being at this time of the year busily employed at home they could not attend here with me. I have therefore committed the same to writing so that there may be no misunderstanding thereafter.

Niagara 2nd July 1807.

JOS. BRANT.

• No. 42.—JOHN MILLS JACKSON TO LORD CASTLEREAGH.

(*Canadian Archives, Series Q., Vol. 310, p. 291.*)

TO THE RIGHT HONOURABLE LORD CASTLEREAGH.

BELLEVUE, SOUTHAMPTON

September 5th, 1807.

MY LORD,—I had the honour of Your Lordship's favour of the 29th ulto. for which I beg to return you my thanks. Am afraid it will not be in my power for some time to wait on Your Lordship in London, much as I desire to have a personal communication with Your Lordship relative to transactions which has taken place in His Majesty's province of Upper Canada. I will therefore content myself with relating a few of those grievances which has unhappily produced these effects which are to be apprehended in that country.

On my arrival in York in August 1806, I found much discontent amongst the majority of the people, & some of the Officers of Government complained of the treatment they had experienced from the late Lieutenant Governor. By proclamation those who had served in the British Army in America, during the Revolution were to receive a certain portion of Land in Canada for their services, and who are stiled Military Claimants, numbers of these have been wounded in his Majesty's service, who are now good subjects, but who have never received that compensation promised them by His Majesty, altho' they have made frequent applications, have

never been able to procure what they were so justly entitled to, & which was so liberally held out to them by the proclamation at that time.

Also there are numbers of Loyalists, who in consequence of their attachment to the Crown during the American War, having lost their property in the States, & who were by proclamation promised remuneration by a grant of Land in Canada, vast numbers of these with their families are now settled in the Province, but who having been deceived by the Administration in Canada, were obliged to purchase or to locate Lands by paying the Fees, when they ought to have received them as a Bonus from the Crown, free of all charges whatever.

Many also are now in that country being unable to pay the Fees, & who also of Right ought to have possessed Lands are deprived of their claims on the Government, altho' as much entitled to receive them as those who by partiality are in possession of some of the best and most valuable tracts in the Province.

And my Lord, you will be surpris'd when I tell you that vast numbers of those who had claims on the Government from the treatment they experienced & not receiving that compensation, which it was the intention of His Majesty should be allow'd them for their services, have deserted the British Interest, & have sett'ed with their Families in the United States, becoming subjects of a foreign Government to the great injury & loss to the Colony & disadvantage to His Majesty's Interest in the Province.

The dismissal of these who held office under the Government by the present Lieutenant Governor, has tended to create much discontent amongst the People, for it appears their only crime, was their attachment to the Constitution & the Rights of the People, & who were in a laudable opposition to those who were trampling on their liberties, especially on the Freedom of Election, & the choice of the Majority of the Freeholders in the nomination of a Representative to serve them in Parliament, this gave great offence, & has tended much to weaken the Interest of the Government in every district, inasmuch as that at the next general Election which will happen the next year there will be found few to support any measure which His Majesty's Ministers may think proper to recommend. I am well assur'd that the People will send a Petition to the King, when if their grievances are not redress'd it is to be fear'd, very serious evils will be the consequence, the part which Mr. Gore has taken against a very worthy man & one of the best subjects His Majesty has, & one who holds no less a situation than a Judge of the Court of King's Bench, whose attachment to the King & our excellent constitution, not even Your Lordship is more a friend to. He I understand has also been suspended & I am afraid much misrepresentation has or will reach your Lordship respecting the conduct of some of those to whose exertions the Government are much indebted for the tranquillity which has lately reigned in the province, but which I give you my honour I wou'd not answer for, unless the Government at Home remove the Evil, by convincing the people their grievances shall be redress'd & by the administration of Justice to all, whereby the Inhabitants will find, that their situation has been attended to at Home; by these means the affections of the people in the Colony may be regain'd & infinite advantages must be the result from the exertions of a laborious peasantry, in the cultivation of a soil capable of producing every article beneficial to the Mother Country, especially in the production of great quantities of Hemp & Lumber, articles which are so essentially necessary to the maintenance & existence of our Navy & which I apprehend we shall soon stand in great need of as the Northern ports are now shut against us.

The Liberty of the Press that grand palladium of British Freedom has been shamefully violated in the refusal of the Government in Canada to suffer the majority of the Inhabitants to vindicate their character (I mean in the Home District) from the most foul and malicious misrepresentation, which appeared in the *York Gazette*, the accusation of Rebels being falsely bestowed upon them in a publication under the Inspection of the Lieutenant Governor & when the public had met to vindicate their character from this unfounded calumny their resolutions were not suffered to be printed, this produced a violent sensation in the minds of the people against the Governor for such an arbitrary proceeding. It will not be amiss here to inform your Lordship that some years ago a vast number of stores of all denominations

were sent out by the Government at Home for the use & benefit of the settlers in the first occupation of the Lands, & when the Government was removed to York from Niagara, which were never given to them; these stores are suffered to decay, & which ought to be sold, whereby a sum of money might be raised & which would lessen the expenditure of the future year.

I shall now also take the liberty of representing to your Lordship, that a considerable sum of money might be sav'd annually to the Mother country, and which is now and has been expended in the support of a useless Marine on the Lake, which for half the year cannot be navigable on account of the danger attending thereon, and there not being hands sufficient to man them in the Summer, so that there is always one in port. This Marine consists of three vessels, a Ship, a Brig and a Schooner, and which are (excepting the Schooner) of no manner of beneficial use whatever. I could convince Your Lordship from extracts of some letters that the Discontent of the Province has arisen to an alarming height. I beg your Lordship will pardon the length of this letter, but the subject is of that magnitude and importance, which I should hope will plead my excuse in taking up so much of your Lordship's time.

Some of the Indians settled in the Province and who were our firm allies, to whose services the British Government are much indebted, have much cause of complaint, & which I apprehend will soon be made known to your Lordship.

I conceive by a proper regulation much money undoubtedly might be sav'd to the Mother Country, & by a judicious arrangement the Country would soon, instead of a Burthen become of immense value to Great Britain & the Province from its Capability of Improvement wd soon be filled with Inhabitants, who wd defend it against the attempts, which no doubt (should a war unhappily break out between Great Britain & the States) would be made to occupy that part of British America by the armies of the United States, but at present from the disaffection occasioned by the proceedings of His Majesty's Civil Officers would be easily taken possession of, as it is to be feared the people wd not be very warm in the support of the British Interest & thus wd this fine province be an easy conquest to the enemy, which had a proper system been pursued by a strict adherence to the Constitution, so liberally given them by his present Majesty, might have bid defiance to the United States, the people being well convinced that under the mild and equitable Government of the British Constitution, no subjects of any Country whatever could enjoy more perfect Freedom than those who have the good fortune to have become subjects of our most gracious Sovereign & who enjoy the most perfect happiness when the benevolent system of that Constitution is adher'd to. The application of Money (by the Government) rais'd in the Province, without the sanction or vote of the Commons House of Assembly, has added much to the discontents of the people, which your Lordship must allow is the most unconstitutional proceeding that could have been adopted & which of course produced much dissatisfaction. I understand there is to be a Court of Chancery established in the Province; much mischief may arise from an injudicious exertion of its proceedings, at present the Land cannot be taken by a creditor for debt, & which is a very wise system. For were it otherwise the Land would get into the possession of a few persons, who wd contrive by the advance of a trifling loan, or probably by some more nefarious proceeding, to get many of the Land holders in their debt, the consequence wd be the Land wd be mortgag'd for a trifling sum which Mortgage might be foreclos'd & the property taken out of the possession of the original occupier. The Legislature saw the inconvenience of this & did not subject the land to be seized for Debt. The intention of the Government was to grant the Lands in proportions of two hundred acre lots, whereby the country, from the number of inhabitants would thereby be sooner clear'd and put in a state of cultivation.

My object shall be on my return to Canada to endeavour to render the Colony, as far as may be in my power, beneficial to the Mother Country, for which purpose previous to my going, I should solicit the honour of an interview with your Lordship. I now beg leave to subscribe myself,

Your Lordship's most obedient & very humble servant

JOHN MILLS JACKSON.

NO. 43.—JUDGE THORPE TO EDWARD COOKE.

(Canadian Archives, Series Q., Vol. 310, p. 314.)

YORK, UPPER CANADA,

Sept. 18th, 1807.

DEAR SIR,—A letter from Mr. Stanley (which by accident I received) informed me of your being reinstated with Lord Castlereagh in the Colonial Department. For two years I have considered with sorrow the expence this province entails on England. I have shewn how that might be curtailed and the value of the Colony augmented, with grief I have considered the discontent that prevails, I have stated the causes and pointed out the remedy. Mr. Pitt & Mr. Fox were of opinion that the only mode by which Canada could be retained, was by making it as beneficial to the settler as possible, & by rendering the inhabitants so happy that they should find nothing amongst their neighbours to envy or desire, but all the benevolence and wisdom of England was frustrated, these blessings were not administered. The Royal proclamation promised land, provisions, & utensils, to a few they were given profusely, to the many they were denied & to some extent they were sold; so that British honour was in as much estimation here as Numidian Faith at Rome.

The Minister directed land to be given in soccage tenure, yet the people were almost driven to arms before they could obtain anything but leases. The British Parliament gave the Colony the British Constitution, yet the Executive never would suffer the public money to be accounted for before the House of Assembly and for the pitiful patronage of one thousand a year, the people were deprived of the very object they came to enjoy. The Province adopted the English Law, but the people found that power influenced the decisions of the Courts and defeated the verdict of the juries: In short the liberality of the Crown, the wisdom of Parliament & the system agreed on by the greatest politicians England ever produced, as the only mode by which the province could be retained was all despised & the converse pursued. The few were aggrandized and enriched; the many were to be oppressed and impoverished, every establishment was to be kept up & every expence to England continued because the few were to be benefited, but nothing was to be attempted to improve the province, because the many were to be depressed, the Crown land was to be heaped on the few & withheld from the many, because it would be useless to the few if the many were not driven to purchase. The shadow of the British Constitution was given to the many, and the substance retained for the few, the Law of England was above the consideration of any, but the parties concerned under the consideration of all, the result is what might be expected, the whole body of the inhabitants hail with joy, the threaten'd rupture, that they may fly from perfidy & oppression. I am sick to the heart, I have toil'd & labour'd, my mind has been in continual action, by doing my duty strictly & impartially, I have gained the confidence & the affections of the people, & I will endeavour to retain it, as the only chance for preserving tranquillity. I do not mean to give offence, but my mind is so full I must speak the truth; it may be my last effort. When the people found the Montreal Merchants, through Sir Wm. Grant able to make their Attorney Chief Justice of the Province, the cup of bitterness wanted but one drop to make it overflow, and that was quickly added when Mr. Gore was appointed Lt. Governor, a man whose violent, arbitrary, vindictive, selfsufficient conduct would not have answer'd for the regions of Bengal, & which a boy in an upper form at Eton would have been politician enough to declare ruinous in a Colony only divided by the St. Lawrence from the American States. It may be necessary to inform you that the mighty & favoured few, are composed of half-pay officers, that have appointments, & shop keepers, that are Magistrates, these are the extortioners, oppressors revilers of the people, these are the advisers, companions & friends of Mr. Gore, whose will was to be the Law, not even a vote given but as he desired, and to support this despotism the Crown Land was distributed for every vicious purpose that could be devised & for no one good purpose for which it was intended. Mr. Gore is so weak, so rash & so confident of Lord Castlereagh's protection, that I suspect he would have suspended me, for not assisting him in accelerating the loss of the province; it would have been

desirable as I would then have had an opportunity of laying the whole system before the King and Council, but the province got at last into such a state that I dreaded being obliged to leave it, & here will I now remain (unless the Secretary orders me away) while it can be held for Gt. Britain. But even twelve months ago if Mr. Pitt's intentions for the Government of this Province had been followed and a dignified sensible political man sent as Governor with an intelligent liberal active man as Chief Justice, this Colony would have armed en masse & defended itself without any expence to England against all the power of America, for it is a wilderness so intersected with water that nothing could penetrate it; If it was the interest of the people to defend & Government had their affections to animate, all would be security.

Mr. Gore has gone to London Canada, absolutely abdicated the Province in violation of his Commission, without any person being sworn in to administer the Government. As to this place it is not even protected from the Indians, & if there is war (which God avert) there will be mischief from these savages, but if the good sense of both nations should continue peace, and Lord Castlereagh think of suffering Mr. Gore to remain & his system to be pursued here, I hope he will quickly place me where I may quietly do my duty. Wherever I may be placed he shall always find justice and integrity, the standard of my actions and the measure of my ambition.

I have the honour to be with great respect & esteem,
Your most obedient humble servant

ROBERT THORPE.

P.S. I send you two papers which with other matters already forwarded will assist in proving the inapotent malignity of Mr. Gore's conduct to me, an' his insulting me (for election purposes) in ordering my name to be omitted in the Commission of Assize on which I have appealed to the justice of the Secretary of State for redress, many of the respectable people raised a sum of money, which they presented to me with an address, as a compensation for the sum I should have received by going circuit. Mr. Gore sent forward his sycophants to induce some persons to insinuate that there was no such meeting & sign a paper &c to that effect. This being published produced a reply which I think has sufficiently exposed him and his pitiful manoeuvre. Since I have written the above I find I cannot procure the paper with the signatures for a few days, but will enclose it in the duplicate.

R. T.

No. 44.—JUDGE THORPE TO EDWARD COOKE.

Canadian Archives, Series Q., Vol. 310, p. 321.)

(Private.)

DEAR SIR,—I lament being obliged to trouble you on my own affairs, but I have just heard that my bills drawn last January are protested on account of some form being omitted in the Certificate, which never was declared to be necessary until last May. How was I to know anything of this, and the misery it may accumulate on me and my family no one can tell, for it will ruin my credit, and the expence will be very heavy. There will be ten per cent charges, six per cent interest protests and postage, besides three per cent loss on each set of bills by exchange; I never have received a shilling by any fee, I have been cheated out of three hundred pds Circuit Money. I never have had one acre of Land, I am not able to send my children to school, for I declare to God in this expensive place without a house or anything of my own, I am scarcely able to clothe & support my family, yet I have given up my profession & thought to be happy & affluent in America, yet I toil for ever and because I will not join with these rapacious oppressive wretches, and ask them for favours, I am driven to every difficulty here and annoyance heaped on me from home.

I am Dr. Sir, truly your distressed
& grateful humble servant

ROBT. THORPE.

Sept 20th 1807.

No. 45.—LIEUT. GOVERNOR GORE TO GEORGE WATSON.

YORK, UPPER CANADA
4th October, 1807.

MY DEAR WATSON,—Not having heard from you since the 14th April last, I am almost induced to suspect that some of our democratic faction have found means to intercept my letters; however as Mr. Justice Powell is daily expected, I trust my anxiety will be relieved by his arrival, and that I shall have the satisfaction to learn that my friends in England, whom I dearly value and respect are well and happy.

I now avail myself of the opportunity offer'd by a Lieut. Erskine of the 6th Regiment going to England to write to you, and as I consider the conveyance safe, I shall perhaps enter into my situation here, and that of this province more at length, than I should venture to do by the usual mode of communication; leaving it to your discretion to communicate such parts of my letter to our mutual friends, as you may deem prudent, but with this caution, that if my private communications are not made with reserve, they will find their way back to this country.

Soon after the receipt of the anonymous letter (a copy of which I sent to you) from New York, I received information from a merchant of respectability residing there, fully corroborating the statement made by the writer of that letter. In consequence of which, I dispatch'd a confidential agent to the United States, to obtain information and watch the motions of a party formed in this province and connected with United Irishmen in America, to subvert the British Constitution in Canada. This agent has ascertained the connection of Willcocks (Mr. Justice Thorpe's editor) with Emmett and some of the Republicans in New York, but they conduct the affairs with such caution, that it is impossible as yet, to convict any of the parties here.

The venality of the American postmasters made it an easy matter for the agent employ'd to procure a sight of letters address'd to the parties in this Country, although Mr. Thorpe had the precaution to direct all letters for him, to be put under several covers to other people, I received information of his scheme.

The Letters No. 1 and 2 from Mr. Wyatt to Mr. Thorpe and Mr. Baldwin were copied in America and sent to me in cypher. As these letters, however the writer's vanity and folly may appear to you, concern me personally, I transmit them to you, in the confident hope, that I have friends in England, who will not admit of my being beat down by falsehood; because Mr. Wyatt may have interest at Court and with Lord Wellesley. I can conscientiously declare, that I have been actuated by no personal motives. I have had the King's Interest only at Heart, and that I have and ever will contend against Democratic principles.

The newspaper, alluded to in the informations from New York, has commenced its operations, this paper is distributed gratis through the country, the violent abuse of the Government & the personal attacks, are notoriously believed to be the productions of Mr. Justice Thorpe, and altho' every man in the country is convinced in his own mind of the fact & a combination of various circumstances reduce it to a moral certainty, yet we have not proof enough, to establish it in a Court of Justice. A series of Letters signed A Loyalist are Mr. T's, who was weak enough before the first of them made its appearance, to shew the manuscript copy to some of his Friends. I fear I cannot procure a series of these papers to send to you, indeed if I could, so much explanation would be necessary to make you understand them, that I have not time by Mr. Erskine to enter into them.

That Mr. Thorpe is supported I have little doubt, his obtaining money from the most suspicious characters justifies me in making this conclusion (No. 3).

Mr. Wyatt's wife was so much alarm'd at the lengths Mr. Thorpe had urged her husband to go to, that she secretly afforded information (No. 4), the information relative to the printer is perfectly correct, Mr. Thorpe having sent many messages by the United Irishman Willcocks, to induce him to leave the service of Government and print for the people, and that his influence wou'd procure him two thousand subscribers. His boast of upsetting the Government of Prince Edward Island he has made to many.

That Government will have reason to repent of not having before now come to a decision relative to that worthy man I have no doubt. In March last, I press'd for instructions but am left entirely to my own discretion. I cannot help feeling this, not as a private character, but for the sake of the King's Government, which by this man and his party, have been constantly held up to the people as wicked, oppressive and contemptible; in this general censure and abuse, are included the administration of Generals Simcoe and Hunter. Altho' Mr. Wyatt states to his friend that Mr. Thorpe is suspended, yet till I receive official notification of this event, I cannot of course notice it. This suspension I fear will not have the desired effect. Mr. T. is deeply in debt and has conducted himself in such a shameful manner towards his creditors, that they are *inexorable*. I fear he cannot leave the province (to me it is a matter of perfect indifference what becomes of him so that we can be relieved). It is melancholy to reflect, that the fate of this man will be attended by misery and want, such indeed is generally the consequence and end of the Factious schemes of Demagogues.

If Mr. Thorpe can make his escape from the numerous creditors that are besetting him, I have no doubt of his taking to England an address signed by every disaffected person in the province.

Do not conceive that I am apprehensive as to my own conduct. Whatever representations I have felt it my duty to transmit to the Secretary of State, relative to the conduct of a dangerous Faction in this country; those representations I have accompanied by documents to substantiate my statements. I do not look for the support of Govrent at Home as a matter of favour or Interest. The King's interest shall never be invaded, while I am intrusted with his Commission. I cannot refrain from giving you an anecdote, respecting the Democratic views of Mr. Thorpe and his party—the last interview this worthy Gentleman had with me, was on some agricultural business; on the subject of Hemp we had a long discussion. He then said *We* (this was before he was in the House of Assembly) shall prepare a Bill for the House of Assembly to dispose of certain Lands and that the moneys arising from those sales should be appropriated by the House to particular purposes. I told Mr. Thorpe that as I considered myself the guardian of the King's property, that the Democratic part of the Constitution should never, while I had the honour to administer the Government, assume a power that the Constitution had not invested it with. During Mr. President Grant's Administration, this party urged the House of Assembly to the most unconstitutional assumption of power, even impressing on their minds that they were paramount in the Government. You need not be surprized that when two officers of the Crown hold such language, that ignorant men may be deceived (No. 5). During the last Session, notwithstanding Mr. Thorpe's violent opposition every measure was carried that I wished. I took care that the House of Assembly should be made acquainted with my determination to resist them, if they attempted to assume to themselves improper authority.

If Mr. T. returns to England, I wish Cooke would put a few leading questions to him, whether he caus'd the addresses and answers from the Juries to be inserted in the newspapers. I wish Cooke to put this question to him, as if he supposed they got into the papers without his knowledge. I have Mr. Thorpe's letters now in my possession ordering these addresses to be presented.

I now must beg of you to write to me freely & give me your opinion, and notwithstanding every point I wish may by this time be adjusted in England, I wish for *your opinion*, and if possible for others who are friends to both of us, it may be of real benefit to me by guiding me, if hereafter I should have to contend with similar cases of difficulty.

Respecting Mr. Wyatt's suspension, I did certainly regret that there was a necessity of my being forced by him to take such a step. His positive resistance of authority, left no option for me. It was a trial of strength between the parties—that is the Government and Messrs Thorpe & Wyatt.

You will perceive by Mr. Wyatt's last letter, that he is anxious to make it appear that he is not connected with Mr. Thorpe in an opposition to the authority of Government. The plan that Mr. T. proposed to Wyatt, was to prosecute me in England,

and a Middlesex Jury would amply repay, for which purpose I conceive he is exerting himself, and his *great Interests* to procure copies of my dispatches.

Should any of the events which have been passing in Upper Canada be mentioned to Lord Camden, I am sure he will put the most favourable construction he can on the part I have been obliged to take; you know how much I respect his opinion, and that I am ever anxious to conduct myself in such a manner, as not to forfeit his friendship.

I have so little time, that I cannot enter into our relative situations with the United States; excepting from the newspapers I have little information, and you will hear with astonishment that neither Mr. President Dunn nor myself have received any communications from our Minister at Washington.

The Indians are decidedly in favour of the British and I have been under considerable apprehensions of their taking up the Hatchet against the Long Knives (Americans). I have instructed the Superintendents to restrain them, at the same time to conciliate them as much as possible. I can assure you that these Gentlemen are no insignificant allies.

Mrs. Gore is quite well, notwithstanding we have had a very sickly season. An Influenza has spread over the whole Continent of America, and frequently terminating in a dangerous fever.

General Moreau some time since wish'd to visit the falls of Niagara, and sounded some gentlemen at New York, as to the chance of my permitting him to do so. Should he now make his appearance I shall send him to England, it is generally supposed that he is intriguing with Mr. Jefferson.

I hope to hear a good account of all the Arlington Street family. I have not written to Lord C. lately. I really am afraid of appearing too intrusive. I have every reason on earth to be grateful to Lord C. and however anxious I am to get to the Lower Province (but Halifax above all should a vacancy happen) yet I cannot write to him on the subject.

What is become of our Attorney General, he was to have left England in June. Conceive to yourself how I am situated at present, the Chief Justice in the Circuit, no Attorney General, from the illness of two of our Counsellors I cannot have even the advice and assistance of the Executive Council, and surrounded by Factions characters, taking every advantage of the weakness of the Government.

Notwithstanding all my embarrassments I am well & happy, and I fear from the length of this letter, you will regret I had not a touch of the gout in my right hand.

Adieu my Dear Watson, Affy Yours

F. G.

(*Separate.*) Whatever I have written in the accompanying sheets, I mean that you shall consider for me, and if you think the whole or any part worth communicating to any of our friends, of course you will use your discretion. I do not like to talk of myself, but I am sure you will believe me, when I solemnly assure you, that I have not exaggerated any one thing, that I have resisted the advice and wishes of every man of property in U. C. by not having long since suspended Mr. Thorpe. The Merchants at Montreal and this place wanted to bring his swindling transactions before me, which I have resisted because it should not be supposed I had any sort of interference with his private transactions, however wicked they may be.

Do not think I forget my friend George, indeed I hear so seldom from you, that I know not what he is doing. If ever I see him again, he will make me feel old. I wish to God I could get a seat near you on the *Excise Bench*. Of my situation here I do not like to write all I think. Sedition is gaining ground faster than I apprehended. Mr. T's agents are over the Country getting signatures to addresses two months after such addresses were supposed to be presented to him; in short I am in most awkward and embarrassing situation; at present I have no one to advise with. Lose no time in exerting yourself to get me out of this province, I even wish some other person might be sent who the administration may have a good opinion of.

I think it would be possible to get me to Quebec, anything would be better, for all my trouble and anxiety of mind to do what is right, I have nothing to compensate me, no society & my income not adequate to the situation.

I hope Cherry F's affairs are settl'd and that the House of Farquhar are as well and happy as we wish them.

Adieu my dear W.

Afly. F. G.

Enclosures.

No. 1.—C. B. WYATT TO JUDGE THORPE.

(p. 344.)

(The figures in parenthesis refer to the "Remarks" which follow this letter.)

DUBLIN May 19th.

MY DEAR SIR,—At the time I left Upper Canada, I had little idea of visiting Halifax or this place; my passage from the United States has been unavoidably tardy and expensive. I however took every precaution which I conceived best calculated to prevent any decision on the part of Ministers, unfavourable to the object of my undertaking, by letters to my friends which appear to have succeeded. I arrived in London yesterday week, found my Father absent &c. and my Brother on whose Judgment and Interference you know I much depend, starting for sweet Ireland; he has at present the situation of private Secretary to Sir Arthur Wellesley, who is Chief Secretary of State; my Brother has had an Interview with Lords Castlereagh, Sidmouth, Wellesley and other great men, who promised me every Justice. I am therefore inclined to think, there can be no doubt of my success, the former is Secretary of State in Windham's place, to whom I can get free access, I am persuaded, thro' various channels, on the best footing I could wish. Lord Wellesley who received three messages from His Majesty at the time of the late charges, calling him to the office of prime Minister, two of which from motives of delicacy his Lordship rejected. The third he complied with, was actually appointed, had appointed my Brother his Secretary but afterwards resign'd. It is equally understood that he is to come into administration, as that it is his intention so to do, and has promised my Brother to engage your friend Cooke (1) now Under Secretary of State, with whom he is particularly friendly and intimate, in my interests; Mr. Henry Wellesley has also promised to exert himself for our success; he is one of the Secretaries of the Treasury: I am therefore of opinion, that I command together with my Father's Intimacy with the Duke of Portland and connections at Court, a hearing upon as good grounds as we (2) could wish, and I think you will not think me too sanguine, acquainted as you are with the politics of Upper Canada, in an idea entertained of being able to raise sufficient Interest to secure an honourable triumph in the cause in which some of us are engag'd. I am now residing with my Brother in a very handsome and spacious apartment in the Castle of Dublin for the purpose of communicating to him the matter I possess in support of the conduct both of yourself and me, as connected with the mutual interests of Upper Canada and England, and fixing in cooperation with him and I trust Sir Thomas Featherston the best plan for me to pursue. I thought it best so to do, particularly as I apprehend no injury to the cause, by a short delay upon my part. I send you a copy of my letter to Sir Thomas F. who I am determined to rouse into activity as well as a sketch of the plan I mean to pursue, that you may anticipate the victory. I am persuaded we must succeed, and even aspire to some favourable changes for yourself and me. I believe Mr. Stanley has gone to the Prince of Wales's Island (4). If I am not too late, I shall endeavour to provide a good Attorney General in his place. When my Brother had last an interview with Lord Castlereagh upon my business, Lord Castlereagh told him in the course of conversation that he had just referred a large mass of papers to the Chancellor which conceive must probably have been relative to the establishment of a Court of Equity, so much requir'd in Upper Canada (5). I shall make every possible exertion for your Interest in that arrangement, you may rest assured, as well as upon every occasion when I have an opportunity from the official documents I have already shewn to my Brother, relative to Upper Canada, and what I have been able to state upon the same subject, he seems to think with me, that some characters of distinction, with whom I am engaged

are damned Russians, and that nothing but mismanagement can endanger my cause. It cannot be difficult for me to shew, the fatal effects of the conduct of the wrong system that prevails in the American Colonies (6) and that the Interests of Individuals and the public have been sacrificed indiscriminately at the shrine of Arbitrary Imposition, and of mistaken power. I shall, you may depend, exhibit a picture (7) shewing how the intentions of Government, the beneficent will of the Sovereign, has been sacrificed with respect to the Loyalist and others who have served in the war, with regard to the Implements of Agriculture provided for their use, how that business has been abus'd (8), the abuses in the Marine and Indian Department, the dissatisfaction of the Five Nations, the Infringement on the Freedom of the Press, the approach of power in the Courts of Justice; the London Address, which private Interest has been regarded. With regard to poor Weekes's affairs I am fearful from the agitated state of my mind at the time I quitted Upper Canada, I might not have attended so much to that concern, as I should otherwise have done. I beg the favour of you to consult Baldwin upon the subject, and if there is any sum due from me to the Estate (10) which he cannot provide for, either with the money of mine in Mosley's hands, or by other means let him draw upon me for the amount, and I should be obliged to you if you will communicate with Mackay, or whoever is the proper authority relative to the disposal of the House, Library &c., which I am of opinion should be sold. It is not my intention at this time to write you a long letter & shall therefore only add, that with regard to the frantic & unaccountable behaviour of Mrs. W., his wife, the perturbation of my mind at the time of my leaving U.C. will be more convinced than I can describe its effect, and indeed I am only now beginning to hope, that the improprieties and the memory of the past will stand contrasted with an opposite line of conduct and with the felicity of future engagements. I beg you will remember me kindly to Mrs. G., and the rest of that family. Write me by an early opportunity. I shall now beg leave to draw your attention to the accompanying memorandum, intended to guide my statement to Lord Sidmouth and many other high persons in this Country. The preamble of that paper is intended to be deliver'd in the form of a speech. The following charges and effects, I flatter myself I can most distinctly prove without difficulty and if I am not sufficiently led into your case, by what is there exhibited, you may depend all matters relative to yourself shall be circumstantial (11), all I shall ask of your friends will be to state their knowledge, as a man of abilities, integrity and honour which Mr. Sneyd was induc'd to think will be desired. I have fallen in with him by chance in this place, making a point of communicating to him everything in a most candid manner, he thinks well of the cause and will do all he can. Lord Ross, late Sir L. Parsons, is expected here hourly, I intend to obtain his influence, if possible, in short I can venture to give you cheerful hopes I see my way so clearly. God bless you, you shall hear again from me soon and tell Mrs. G., her letters I deliver'd myself in Dublin. Dr. Richardson was very civil to me, to whose care Miss — letter was addressed. I am very anxious to see all again in health and happiness; you will probably shew this communication to Baldwin & his family, they are worthy good people, and you may tell him that if it is in my power to serve him (12) (he had little to expect from Lord Carleton) he may depend on my not forgetting to exert myself for his benefit. Yourself, Baldwin, his family (but one) J. W. (13) one or two more and Sam Ridout I feel the warmest interest in the welfare of. I am enjoying my Bottle in my Brother's department, solus, over this scrap, the least I can do therefore is to take a bumper in remembrance of the worthy part of the community I have left behind me in U. C. God bless you. Adieu for the present.

Believe me &c. &c.

(The papers alluded to were not enclosed.)

REMARKS ON THE PRECEDING LETTER.

(p. 342.)

No. 1. Is Cooke a friend of Mr. Thorpe's? I do not believe it.



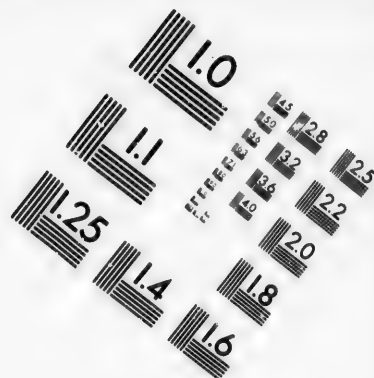
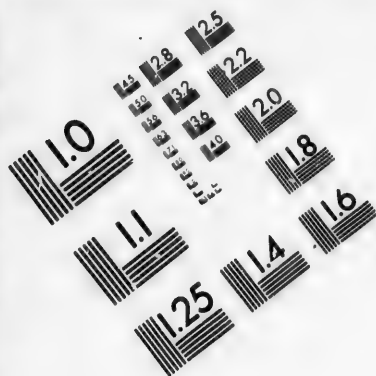
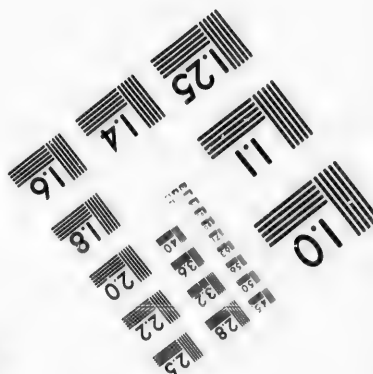
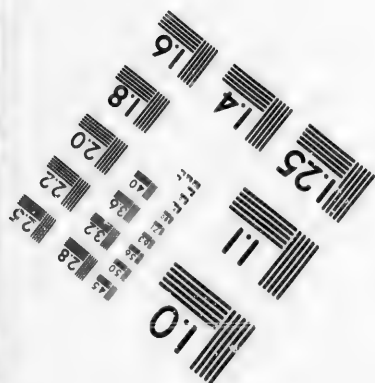
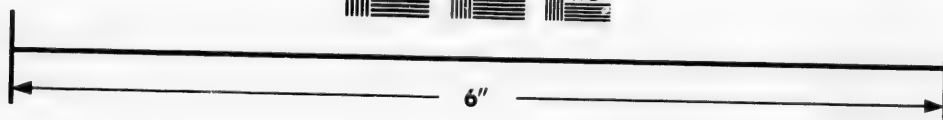
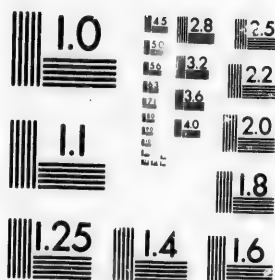


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2. Mr. Wyatt speaks in the plural, you must observe in both the letters. How evidently it appears that he is engaged with a Faction to harass and embarrass the Government.

3. Interest and not Justice, according to Mr. Wyatt's argument, is to obtain the triumph over the Government here.

4. I should suppose from the paragraph that Mr. Wyatt is one of the Secretaries of State.

5. I wish Mr. Wyatt would extend his patronage to me.

6. It appears from this paragraph that not only the system that prevails in Upper Canada is wrong, but in the whole of the American Colonies.

7. This young man is very modest; it puts me in mind of a puppet show. Now you shall see &c.

8. Infamous calumnies that cannot be substantiated.

10. A pretty transaction of Mr. W. as an executor, and for which there are several suits already instituted.

11. Very necessary indeed.

12. More patronage, Mr. Wyatt.

13. J. W. is Joseph Willcocks, an United Irishman, who fled from *Thomas Street*, got on in Upper Canada as a clerk to the Receiver General, was turn'd out by him. Was a sort of upper servant afterwards to Mr. Allcock, who to provide for him got him appointed Sheriff. Was displaced by me and is now the Editor of the *Jacobin paper*, for which Mr. Thorpe writes.

NOTE. I am ashamed of myself for sending so much nonsense, but I wish you to be made acquainted with the people I have to deal with.

No. 2.—MR. WYATT TO MR. BALDWIN.

(p. 352.)

LONDON, FOLEY PLACE,
June 15th, 1807.

DEAR BALDWIN (1).—Since my arrival in this country from Upper Canada, I have been so much engag'd for the success of the controversy with the Government of that province, that I have been unable to attend to other matters of less importance, first I thought it advisable to see my Brother with whom I had chiefly communicated upon subjects alluded to during my residence abroad, whom I found was in Dublin, as Secretary to Sir Arthur Wellesley the Chief Secretary in that Establishment. I therefore set off per mail for Holyhead and was absent with my Brother in Ireland. Since my return I have been strongly recommended to the favourable notice of Lord Castlereagh and the Under Secretary of State in his Department where I have the satisfaction to acquaint you for the information of our friends I have very free access. I had a few days since a long conference in person with Lord Castlereagh upon the subject of the accusation made by the Colonial Government in Upper Canada against Mr. Thorpe & myself and others. I suppose I sat with him nearly two hours. His Lordship's conduct I was much pleased with, tho' he certainly seem'd to favour the Provincial Government which from the tenour of Governor Gore's injurious misrepresentation (2), I was not at all surprised at.

Lord Castlereagh read me very fully those statements and among the rest I perceived Mr. Boulton (3) exhibited as an informer. Lord Castlereagh read to me a written communication from that distinguished character, for the purpose of enabling Governor Gore to state that Thorpe had made positive proposals to the Solicitor General to oppose the Executive Government on the spot, as Mr. Boulton's letter stated he did upon which communication I cou'd not omit to make some personal remarks and Lord Castlereagh has at my request permitted me to furnish him with a written statement of Facts (4). I however think it advisable to hang back for a while for the purpose of obtaining thro' the highest Interest I can make, a copy of the charges made against me by Governor Gore, which I do not hesitate to say are most scandalously false, and when I possess them in such a shape as to preclude the possibility of the Government abroad retreating, I shall take the accusa-

tions separately—from my knowledge of them I am confident I shall be able to refute in the most decided manner, the whole of them. If any body on your side the Water will assist me and speak the truth, I shall have the victory. For your information I shall acquaint you with the charges made against me by the Government of Upper Canada. That my principles are defective as a loyal subject. That I dismiss'd Mr. Ridout because he voted for Mr. Thorpe (5). That I erased the name of a person from a plan in the Surveyor General's Office and inserted my own *fraudulently* for the purpose of getting a favourable location of land, for which I obtained the Deed (6) and that I *voluntarily* carried my Books to the Provincial Parliament without a summons, for the purpose of exposing the Executive Government (7). With regard to the first accusation it is in general terms only from the manner in which I have been treated as well as the people under me, which I shall have it in my power to shew, alluding to poor Hambley (8) and Stagman who was drowned in the Speedy &c. &c. &c. I shall render it at least probable that the unbecoming (9) opposition has been on the part of His Majesty's Representatives towards me, not as they have stated, to be disaffected, and in general averse to His Majesty's Representative and his measures.

With regard to the second charge, there can be no difficulty as Mr. Ridout had resign'd, a month before the unhappy event occur'd which occasioned the election, on which occasion Thorpe was a candidate (10), and I have a copy of my letter to Governor Gore dated a month before the Election in question requiring for certain reasons therein specified that Mr. Ridout might be dismiss'd my Office and Mr. Jackson (11) can prove much on this subject.

With regard to the third charge, my letter to you, desiring the matter might be put in arbitration, my letter also to Mr. Clench (11), (who I am much astonish'd at) offering to relinquish my Title in favour of his friend, if really he had any claim, which to this hour I believe he had not, and Jackson having been with me, & Mr. Addison, to Mr. Young, for the purpose of enquiring of him particulars when I told Mr. Young in presence of these Gentlemen that he had no occasion to make himself uneasy about the land if he had any right to possess it, that I would not oppose him a moment. Mr. Young I believe never register'd his claim which by the bye, I wish you would obtain a certificate of, from the Office of the Register of the County in which the lot in question is situated, and send it to me, or did Young ever claim before the Commissioners instituted for such claims to be brought forward, or ever ask for that particular lot of the most consequence to him at the Surveyor General's Office, while he has actually located in that Office 200 acres of land, more than he had ever any order of Council to cover, and with regard to the charge, the Journal of the Provincial Parliament will shew and render me acquitted of that accusation.

The unquestionable grounds of Opposition to me on the part of Government of Upper Canada (12), is my Intimacy and Friendship for Thorpe (13), which in Justification of my steady perseverance against most strenuous exertions of the Government of Upper Canada to induce me to join a combination the most which has been formed by a set of monopolizing miscreants, whose just merits we know how to estimate, to interrupt his laudable zealous and able exertions to administer Justice in the true spirit of British jurisprudence and assisting Government in ameliorating the conditions of all orders of Society, the highly improbable [*sic*] Upper Canada. Thorpe to my entire satisfaction & positive knowledge, as far as I have had an opportunity to observe, has uniformly distinguish'd himself as a sound lawyer, a zealous patriot, a loyal subject, and amiable moral character.

Dissatisfaction neither originates in him or me, but is the natural result of a partial and defective administration.

Thorpe's strenuous efforts since his arrival in Upper Canada have been directed to the reformation of Injuries and abuses, and by a steady adherence to the line of his positive duty it is not difficult to suppose such a man should be look'd up to by an oppressed populace, as a Father, and that his exertions should be repaid by a tribute of gratitude and esteem amongst the people of that province, wherein previously to his time, but little of the mild and benevolent spirit of English Law

Jurisprudence has been experienced (13 *bis*). Under such a system of malvasation as has been adopted, it is not at all surprizing, that the upright and philanthropic Intentions of Thorpe and a few more should have excited the Jealousy, Indignation & Malevolence of the Executive authority upon the spot. I am positive from the experience of two years, that no just grounds of accusation whatever exist against Thorpe either as a public or private character. That Thorpe is not less able than zealous in the Discharge of his Judicial Duties, that he possesses no disposition to oppose the due authority of Government, That he is justly desirous, as I am, of preventing a flagrant and criminal abuse of power and that his anxiety is exclusively directed to the happiness of the people, and the benefit of Upper Canada, as connected with Great Britain.

Thorpe is suspended by Government at Home (14), almost as a matter of course, which as my mouth is easily to be stopped, should I enter upon his case, by the question of "What his affairs concern me"? And besides that such an interference might be construed as a confirmation of our being in a League, which is not the case, for the purpose of opposing the due authority of the legitimate authorities.

It therefore appears to me, that it is of consequence to Thorpe's Interest, That he should come immediately, which I am sorry to suggest, because I know it is a measure that must be attended with a great annoyance to himself and family. If he has not left Upper Canada by the time this may reach you, shew my letter to him, and urge him to do so. I am very confident we may yet triumph with his assistance on the spot.

Sir Thomas Featherston has been with Lord Castlereagh and Mr. Cooke in his behalf, but is not sufficiently master of the Colonial affairs, to advocate Thorpe's cause decidedly, and I am afraid evil consequences might result, if I was to appear too forward. He must come. Every thing depends upon it, and if he should think it advisable to leave Mrs. Thorpe and his amiable family, their good sense and your kind attention (15) will I am sure induce them to submit: I wish sincerely he could bring them all with him, but the expense will be very considerable. I shall endeavour to arrange so, that the Government will assist him in the Expense of his passage to England if possible.

With regard to my own affairs, I shall not make them a subject of communication by this opportunity, and I shall esteem it a favour, if you will contrive to procure, and send me as soon as possible, a copy of the Proclamation of the Governor of Upper Canada dated 21st August '95, relative to Tickets and Certificates of Location, to be delivered as therein prescribed, which may be requisite against Young. I also request you would also assist me, by enabling me to prove by the testimony of respectable evidences, that after Governor Gore thought fit to suspend me, he did not hesitate to make favourable mention of my character to various persons upon the spot (17). I am sure Mr. Russell, to whom as well as Miss Russell, I beg you will kindly remember me, told me that Governor Gore had spoken to him of me in the handsomest manner, so did Mr. Jarvis and Small also. If you could get from Jarvis a confirmation to this effect and from the opinion I have formed of his high sense of honour, I am persuaded he will readily afford it, would enable me to show to the Government at Home the probability of Governor Gore's contrary Opinion express'd in his charge to the Minister in this country, being more the result of malevolence (18) and Falsehood than Truth.

Governor Gore's conduct in this business has been most shameful, and I do not despair causing him a passage across the Atlantic. You may however think that in making my assertions I can prove so & so, in support of myself & Thorpe.

I will certainly avoid mentioning the name of any of you abroad, who comfort or interest may be affected by such an exposure, until the result of my assertions shall be made known to me.

Lord Castlereagh has already assur'd Lord Wellesley that justice shall be done. That my reputation shall have the fairest consideration here, and That all it contains against the Provincial Government shall be put to the proof in Upper Canada, which last advantage I shall beg to point out the measure by which it shall be done, and

tho' at present Lord Castlereagh seems to side against me, when he has my statement, if I can prove, as I assert I can, Facts in my favour, his judgment would alter.

I am managing to get the Governor as much convicted as possible, before I begin my defence, which I am persuaded will demonstrate Facts, to which I allude in the clearest and most unanswerable form, with regard to my giving up no names of persons, until the result of my assertions shall be known to me, I mean that before the statement I may make shall be admitted as proof, in the event of my substantiating it, I will withhold names for the purposes I have mentioned.

Governor Gore has mention'd that I was unable to manage my office, and that I left it in the greatest confusion, in which I believe, unless Chewett and Ridout join Governor Gore he will be unsupported (19).

Sam Ridout is an honourable fellow, and from the good opinion I entertain of his ability & strict Integrity, I should be very happy to do him any service in my power. Shew him the state of affairs to which this letter alludes & consult him how far I may reckon on his support. If I should wish to consult him, which I do not know I shall have occasion to do, nor do I intend it for his sake; he may however privately in your confidence, assist in directing the enquiry of certain official matters, to which I may refer, in the Surveyor General's Office, and I wish particularly you would obtain from him, and other persons, information relative to names having been often removed from the plans in the Surveyor General's Office in favour of certain persons (20). It occurs to me, that a lot given by the President Grant to Allan, a lot also given to Chief Justice Allcock formerly located by one Cozens, and there was some lot, in similar circumstances, given by General Hunter to Mr. Chewitt; it will answer my purpose, if you will only furnish me with sufficient information, to state the circumstances of those cases, as tho' I was possess'd of that knowledge from my official capacity upon the spot in Upper Canada, which will I am sure prove there is nothing irregular in putting one person's name on the map in lieu of another, when no difficulty appears, and give me every [help] which may occur to you as being useful in a cause, you know as well as I do from the best of motives. We all think alike of the oppressive ruinous measures of a certain clan in Upper Canada; and it is the common cause. We are all well wishers to, to assist in defeating their tyranny & base misrepresentations of those who do not deserve such treatment (21). I will never desert the good cause while I live, or any worthy fellow of my friends in Upper Canada.

I shall upon all occasions you may rest assur'd feel the warmest impulse to promote the interests of yourself, Sam Ridout, the Sheriff &c. &c. and those objects will be uppermost in my thoughts.

I find there is an opportunity for your part of the world tomorrow, which obliges me to close this letter, rather abruptly. In the meantime I beg my kindest remembrance to Mrs. Baldwin, Mr. & Mrs. Willcocks and the rest of their worthy family, as well as to all friends, tell Lawyer Stewart that he shall hear from me soon relative to the business I have to do for him in England & believe me to be my dear sir,

Your faithful friend & obedient servant,

C. B. WYATT.

If there are any claims against me, which I do not suppose there can, or you require any money, draw upon me and ascertain what Young has to show, either in writing or otherwise, for his claim to lot 161 &c. &c. Pray write me without delay affording me all the aid you can to defeat the Rascally attempts of certain personages, which I am confident I shall ultimately do. God bless you, and I wish you would send me a written statement from the Receiver General showing what sums have been paid by him to D. W. Smith as Surveyor General since the month of June 1784* to the time of my arrival in Upper Canada. I heard of a case where the land of Harriston some where up Yonge Street were given to Colonel Ryerson,

* D. W. Smith was appointed Surveyor General of Upper Canada in 1792, with the pay of a sub-surveyor, the appointment having been made by Simcoe, subject to the King's decision. See Smith's memorial, Series C., Vol. 77, p. 44. The date—1784—is probably an error for 1794.

knowing the former to have improved the same, relative to which I request you will send me particulars. I think this case will shew oppression, and will be useful against Young.

REMARKS ON THE FOREGOING LETTER.

(p. 352.)

- (1). An Irishman, ready to join any party to make confusion.
- (2). The representations are facts, disobedience of a positive order from the Lt. Gov., denying his authority &c. &c. &c.
- (3). Mr. Boulton is Solicitor General, & during the absence of the Attorney General acts as such.

Everybody who presumes to oppose the wicked plans of Mr. Thorpe and Mr. Wyatt are stigmatized by these Gentlemen, as Rascals & Lyars. Mr. B. was the friend of Mr. W. for about a year, but from W's violent conduct, he was obliged to give up the acquaintance.

(4). Mr. Wyatt was advised by Mr. Thorpe to prosecute me on my arrival in England, for suspending him, assuring him that a Middlesex Jury would amply repay Mr. W. I conceive it is for this purpose Mr. W. will exert himself to procure official copies of my dispatches.

(5). Mr. Wyatt here betrays himself. I never did state that he dismissed Mr. Ridout for voting for Mr. Thorpe, altho' it is notoriously believed it was for that offence, as the attempt at dismissal was made the morning after Mr. Ridout voted.

(6). This is easily proved.

(7). This is proved by a letter from the Clerk of the House of Assembly to my Secretary.

(8). Hambly's account cou'd not be passed the audit, for want of vouchers.

(9). This is a new case to me; the Governments *unbecoming opposition to one of its servants* requires no comment.

(10). Mr. Ridout from the ill usage he recd. from Mr. W. wish'd to leave the office. But when he found I protected him from ill usage and wish'd him to continue in the office, that the Public Business might not be at a stand, he comply'd.

(11). This Mr. Jackson is a seditious character, who in the public streets reminded the people of Charles the 1st's fate &c. &c.

(12). Mr. Church declar'd to me that Mr. Wyatt was a swindling Rascal. All this business can be easily proved.

A Surveyor General whose peculiar duty it is to prevent frauds, is the first to erase the name of a person from the plan in his office & insert his own. Does this circumstance require any further remark?

(12). Opposition on the part of Govern't. to the Surveyor General!!!

(13). In two or three private audiences I permitted Mr. Wyatt to have with me, I certainly endeavoured to point out to him in as forcible a manner as I possibly could do, the indecency and impropriety of a servant of the Crown joining a factious opposition to the King's Government. I assured him that if he could detach himself from a party that would in the end sacrifice him, that from me he should receive every attention. I had very strong motives to induce me to pay a favourable attention to his wishes. I mentioned to him, what a gratifying circumstance it would be to me to have it in my power to repay thro' him obligations I felt myself under to Ld. Sidmouth, who had appointed him to his present situation. Of course these conversations were betray'd by Mr. W. and every injurious and vulgar construction was put on my attempts by Mr. Thorpe & Mr. W.

(13 bis). The impudent assertions in this paragraph are beneath notice. Are such men as Chief Justice Osgoode, C. J. Elmsley, C. J. Alcock to be treated in this manner?

(14). If Mr. Thorpe is suspended by the Gov't. at home, this is the only intimation of it.

(15). This Mr. Baldwin & the Judge do not speak to each other, the worthy Judge having swindled his countryman.

(16). What do you think of this paragraph?

(17). I never had a favourable opinion of Mr. Wyatt.

(18). I know so little of Mr. W. that I could not harbour any malice against him.

(19). It was from my own observation & the statements of Messrs. Chewett & Ridout that I made this statement.

(20). Supposing my predecessors in Office had granted Locations of Land improperly, does it follow that I am to do the same? The Surveyor General has neither power nor authority to locate lands; it rests with the Lt. Gov. If the Surveyor General had the power & such a Surveyor General as Mr. W., the situation (from bribery) would be worth 2 or 3 thousand a year.

(21). The good cause means anarchy & Republicanism.

WYATT'S CORRESPONDENCE WITH THE COLONIAL OFFICE.

(A supplement to Wyatt's letters to Thorpe and Baldwin, 1 and 2 of number 45, in Series Q., Vol. 310; the page follows each document.)

(a) C. B. WYATT TO LORD CASTLEREAGH.

(p. 159.)

FOLEY PLACE June 8th 1807.

MY LORD,—As it is impossible for me to have retained the precise extent of the charges which have been made against me by the Government of Upper Canada from the conversation which took place between Your Lordship and me on Saturday last, I trust Your Lordship will direct a copy of the specific accusation to which I have alluded, to be furnished me in order that I may make such sort of defence as shall be calculated to preclude the stigma which must at present justly attach to my character in Your Lordship's mind, thereby enabling Your Lordship to form a correct Judgment as to the motives and principles which have actuated my conduct in Upper Canada.

I have the honour to be,
Your Lordship's most obedient Humble servant,
C. B. WYATT.

(b) C. B. WYATT TO LORD CASTLEREAGH.

(p. 164.)

FOLEY PLACE June 27th 1807.

MY LORD,—It is with the greatest reluctance that I venture again to trespass on Your Lordship's time; having however applied without success to Mr. Cooke for certain Documents which I considered indispensable to the vindication of my character against the charge brought forward by Mr. Gore, I feel myself under the necessity of soliciting Your Lordship's attention to my wishes in this respect. The charges alluded against me attach most seriously to the integrity of my private character, as well as to the propriety of my public conduct; and Your Lordship will therefore not be surprised that it should be matter of great anxiety to me to refute those charges to the entire and satisfactory conviction of the higher authorities under whose control I have acted. In order to do that, It is obviously indispensable that I should be in possession of the precise form of the charges themselves, & I therefore entreat that Your Lordship will have the goodness to order that I may be furnished with a copy *verbatim* of such parts of any of Mr. Gore's letters, as constitute charges against my character either in my public or private capacity. The accompanying memorandum may serve as a guide and save your Lordship some trouble in issuing the order which I have referred to; I rely on Your Lordship's candour and Justice to suspend your final Judgement on these charges until I shall have had a fair opportunity of submitting to you my defence, and I entertain the fullest confidence that I shall abundantly able to satisfy Your Lordship that *every* accusation which has been alleged against me, is *totally without foundation*, and that my conduct in America has never been in one instance deserving the censure of Government.

I have to be My Lord,
Your Lordship's most obedient humble servant,
C. B. WYATT.

(c) MEMORANDUM ATTACHED.

(p. 167.)

A copy verbatim of charges made against Mr. Wyatt by the Government of Upper Canada.

Namely first, that relating to Mr. Wyatt, having carried the books of the Surveyor General's Office before the Provincial Parliament.

Secondly, That relating to Mr. Wyatt's having persisted in the dismissal of the Chief Clerk in his office, because that clerk voted at an election contrary to Mr. Wyatt's wishes.

Thirdly, That respecting Mr. Wyatt's conduct as being in general adverse to His Majesty's representative and his measures; and stating that Mr. Wyatt was engaged with persons, who are encouraging disaffection to Government amongst the people of the province.

Fourthly, That respecting Mr. Wyatt to have fraudulently erased the name of a person in the Surveyor General's Office, who was settled and had made improvements in a favourable location of Land for the purpose of obtaining possession of the same for his own use & advantage.

(d) C. B. WYATT TO EDWARD COOKE.

(p. 169.)

FOLEY PLACE July 7, 1807.

SIR,—I have to acknowledge the receipt of your letter of the 2nd Instant. I shall lose no time in submitting to Lord Castlereagh such evidence and observations as I have to offer in defence of my conduct upon the two charges referred to in your letter, but I hope that his Lordship will not put any unfavourable constructions upon my silence, if I should be obliged to delay that communication 5 or 6 days longer. I have many papers to arrange upon the subject, and I do not feel that I can proceed so promptly and effectually in my defence against the partial and indefinite accusations of which I am in possession, as if I had been made acquainted with the precise items of charge alleged against me by the Provincial Government. Upon this ground I hope for his Lordship's indulgence in allowing me the time I mentioned to prepare my defence and in referring to its real source any deficiency of evidence, which may arise on my part from my not being better acquainted with the precise articles of accusations set forth by Mr. Gore against me.

I have the honour to be, Sir,

Your most obedient humble servant

C. B. WYATT.

(e) C. B. WYATT TO LORD CASTLEREAGH.

(p. 196.)

FOLEY PLACE July 27th, 1807.

MY LORD,—Finding from Mr. Cooke's letter to me of the 2nd instant that it is your Lordship's pleasure that I should make me defence upon the two charges stated to me in a former letter from Mr. Cooke, previously to receiving a copy of the other charges which have been exhibited against me by the Government of Upper Canada, I shall no longer delay to furnish your Lordship with such observations and evidence as I have to offer upon these two points. I however feel that I shall be subject to more difficulty in completely refuting partial accusations, than I should in exculpating myself against the whole of Mr. Gore's charges; I am persuaded that it is abundantly in my power to refute any charge which Mr. Gore may bring against me in a distinct and precise form, and that I am in possession of very sufficient evidence to vindicate my character against all such accusations as I had the least reason from what had passed between Mr. Gore and me, to suppose might be alleged against me on my arrival in England. The two charges however which I am now called upon to refute do not come under either of those descriptions, the

one namely that concerning the erasure of a man's name from the map in the Surveyor General's Department for the purpose of fraudulently inserting my own, rests upon transactions which never had been mentioned as matter of complaint during my residence at York, which I had no reason whatever to imagine could possibly be formed into an article of crimination against me, which has evidently been fabricated with the most malicious designs after I had quitted the Province, and consequently which I am not so well prepared with evidence to refute as I should certainly have been had I ever adverted to the possibility of so unjust and malevolent a design being in the contemplation of my accusers.

I am willing to suppose that Mr. Gore has been totally misled upon this subject, by several persons whose sinister designs had led them to misrepresent to the Lieutenant Governor every circumstance connected with the case. Your Lordship however after reading my narrative of the transactions will I have no doubt be convinced that no blame can be justly attached to me in the business; and will of course exercise your own Judgement in ascribing to those who may appear to merit it, the stigma of having fabricated a most nefarious calumny for the purpose of injuring my character and of aiding their own views.

Notwithstanding the difficulty which I apprehend in making my defence, from not having been at all apprized that such a charge was likely to be advanced against me, I do not despair of proving to Your Lordship's conviction that this charge is a groundless calumny. The other of the two charges in question, namely, that of general opposition to the Provincial Government, is so very vague and indefinite that from the very nature of that charge it cannot be easy to refute it. If particular instances of opposition were distinctly stated by Mr. Gore, I should have no difficulty in answering them by precise explanation and circumstantial evidence, but it must be evident to Your Lordship that I cannot easily bring before you such a view of my general character and principles as to prove to you that I am incapable of acting upon the motives ascribed to me in this general and indefinite accusation; and without such a view of my character I know not how the charge can be refuted, unless Your Lordship should be of opinion that a charge of that nature ought to be considered as invalid if it be not supported by a specification of the facts upon which it is founded. If it were accompanied by such a specification of facts I am confident that I could not have any difficulty in totally exculpating myself against it.

Relying on the Justice of my cause, as well as on the impartiality of your Lordship, I feel a confidence that in opposition to every difficulty I shall succeed in satisfying Your Lordship that my character has been much misrepresented to you as well as to Mr. Gore, and that I have not acted upon any principles unbecoming a loyal subject and a faithful public servant, or at least that my statements will be sufficient to induce your Lordship to suspend your final judgement upon the subject until you shall receive more conclusive evidence, and in defect of such evidence that you will consider me intitled to an unqualified acquittal. With respect to the first of the two charges above mentioned I beg leave to draw your Lordship's attention to the following facts.

Some time after my arrival in Canada I applied to the Government for a grant of 1200 acres of Land, a privilege usually allowed to the Civil Officers of the Colony; the grant was immediately made to me as a matter of course, and I was accordingly at liberty, subject to the Governor's sanction, to locate any vacant spot which I might prefer. It was my wish to locate a portion of the above grant in the neighbourhood of Niagara, and I accordingly referred to the Register, called the Doomsday Book and other Records in my office in order to ascertain whether there was any land in that situation unoccupied, which would answer my purpose. I referred to my chief clerk, Mr. Ridout, on this occasion, and he was the person who first pointed out to me the spot of ground which forms the basis of the charge against me, saying that although the name of Shubel Welton had been entered on the map as proprietor of that spot (above one hundred acres in extent) no patent had been ever issued for that grant and that he Mr. Ridout had reason to believe that no such person as Shubel Welton existed in the province of Upper Canada, and that there was no legal impediment whatever to my possessing the land in

question if I thought proper to apply to Mr. President Grant for permission to erase the name of Shubel Welton and substitute my own in lieu of it.

Adverting to the experience and local knowledge of my chief clerk with regard to the practice in similar cases, I should I think have been justified in adopting his suggestion; but before I made any such application to Mr. President Grant, I previously adopted the precaution of writing to Mr. Robert Hamilton, one of the Legislative Counsellors of the Province and Lieutenant of the County in which the spot of Land in question is situated, to inquire whether he could give me any information upon the subject; supposing that his long residence as a Magistrate in that part of the County and his intimate knowledge of most of its inhabitants, must render him peculiarly competent to furnish me with the information which I wished for. Mr. Hamilton in reply to my reference stated to me that my letter had arrived at a moment extremely favourable to the inquiry which I wished him to make, for that he was at the time engaged on the Quarter Sessions, and was surrounded by persons from all parts of the District, that he had availed himself of their presence to question them upon the subject which I had referred to him, and that the result of his inquiry was that no such person as Shubel Welton appeared to be known in the neighbourhood and that if such a person had even resided in that part of the Country, that to Mr. Hamilton's own positive knowledge had not been there within the last 12 or 14 years.

Under these circumstances I felt no hesitation in stating the foregoing particulars to Mr. President Grant, who in compliance to my request allowed me to appropriate the spot in question to my own use.

It may be right to state in this place that the correspondence between Mr. Hamilton and me upon this subject is recorded in my office at York, but as I had no reason whatever to conjecture that these papers could ever be necessary to me in this Country, I am not prepared to forward copies of them to your Lordship with this letter.

I received Mr. Grant's permission notified to me officially to assume the land in question, and I accordingly took possession of it. Soon after my patent for this portion of Land was issued, I heard through some indirect channel a vague Report that there was another claimant, who asserted that he had a mortgage upon that property. As soon as this Report reached me I determined to take the first opportunity of ascertaining the foundation upon which it rested, and I accordingly in a few days set out on Horseback in company with Mr. Jackson, a gentleman of respectability, an elder Brother to the present Member for Southampton, to Niagara (a distance of a hundred miles) in order to investigate the title of the reported claimant, and upon my arrival on the spot I found a person of the name of Young, who contended that the property in question had been mortgaged to him, but who acknowledged that he had no formal instrument in writing to testify the truth of his assertion. After a full and impartial inquiry upon the spot by Mr. Jackson, the clergyman of the parish and myself, we were all satisfied that Mr. Young had no right whatever to the Land which he claimed. I however then told him in the most distinct and positive manner that if he could by any fair means make it appear that he had really a just claim to the land, I would without the least hesitation relinquish it in his favour; and in confirmation of my assertion on this part of the business, I beg leave to refer your Lordship to an extract from a letter on the subject marked A (which I have lately received from Mr. Jackson, who is now in England) I wish to draw your Lordship's particular attention to this Letter, as it goes to prove how much trouble I took to ascertain the nature of Mr. Young's claim and how little I was disposed to retain the Land provided Mr. Young could substantiate his title to it.

In order to describe to your Lordship more fully the reason why I am most decidedly of opinion, that Mr. Young has no valid claims whatever to the land alluded to, it may be useful to advert to the following circumstances.

In the year 1795 a proclamation was issued by the Provincial Government requiring that all persons having claims to certain Lands should within a given period produce their claims and take out their patents for the same, or that in the

event of their failing to do so, the land to which they might have been before entitled should be considered as no longer theirs and would be otherwise disposed of as the Government might think proper. It is certain that neither Shubel Welton nor Mr. Young, the pretended mortgagee, ever attended to the notice contained in this proclamation, or applied for a patent to be prepared in their favour, and it was equally certain that this omission on their part was sufficient to cancel any former pretensions which either of them might have had to this lot of land, even if any evidence could now be produced in proof that such pretensions had originally existed, but I have not been able to trace any symptom whatever of such pretensions ever having been entertained by either of the parties in question.

In addition to this fact which appears to me to constitute conclusive evidence against Mr. Young's present claim, it is worthy of remark that although Mr. Young has irregularly and without any legal authority located in his own name 200 acres of land more than he ever received a grant for, he did not attempt to include the lot in dispute between him and me, although it is impossible that he could have been ignorant of the necessity of having his name substituted for that of Welton in the Official Register, before he could be legally considered as the proprietor of the lot.

In the course of the conversation which passed between Mr. Young and me, Mr. Young mentioned the name of a Mr. Clinch, a gentleman who he said lived in the neighbourhood of Niagara and who could give me some information relative to his claim. It was not in my power to see Mr. Clinch before he returned to York, but on my arrival there I wrote to him a letter of which I now enclose a copy B.

I however did not receive any answer whatever from Mr. Clinch, although I remained at York several months after my reference to him.

After I had quitted York, on my return to England a letter was sent after me by Mr. Thorpe, an extract from which I now enclose marked C, stating that Mr. Young's claim immediately on my departure been for the first time openly brought forward and insisted on, and advising that I should transmit to York a power of Attorney for the purpose of referring the matter to arbitration. In reply to this suggestion from Mr. Thorpe, I wrote the letter of which I enclose a copy with this marked D.

In the foregoing statement I have confined myself almost entirely to a mere narrative of facts, without offering any comments upon those facts; this I have done because the case appears to me to be perfectly clear, and the influences [inferences?] arising from it too obvious to escape your Lordship's discernment. I shall not trespass any longer on your Lordship's time with respect to the first of the two charges which I am called upon to answer, and with respect to the second accusation, namely, that of having persevered "in a general opposition to His Majesty's representative and his measures." It must, as I have already remarked, be evident to your Lordship that this charge is of a very vague and indefinite nature, and that it cannot possibly be repeated without some specification of the particular instances of opposition upon which it is founded. I am persuaded Your Lordship will not deem it just to condemn me upon this charge until I shall have been put in possession of each particular accusation which may be calculated to produce an unfavourable impression against me upon this point; and until I shall have been allowed a fair opportunity of replying directly and distinctly to each of these particulars. In the meantime I solemnly declare I am totally innocent of the offence in question, and that so far from a wish to oppose the Government, it was my sincere desire to aid its authority by every means in my power.

Lest your Lordship should suppose that the disagreement subsisting between the Provincial Government and me may originally have arisen from a discontented and refractory disposition on my part, I beg leave to assure Your Lordship that complaints similar to those which I have to alledge have been stated by many individuals filling the most respectable situations under the Government. I shall have no difficulty whenever your Lordship may require it of me to prove by written and authentic documents as well as by the most credible oral testimony, that the

dissatisfaction which I express, did not originate with me, but that similar discontent had prevailed in numerous instances previously as well as after my arrival in this province.

One strong example of this nature is exhibited in a Memorial now on the records of the Treasury from Mr. Russell one of the Executive Council in Upper Canada and Receiver General of the province to the Lords Commissioners of His Majesty's Treasury dated in the year 1803; although I have already stated that I feel it to be impossible for me to defend myself effectually against the general charge of opposition to the Government without some information as to the particulars to which that charge refers, I am anxious that your Lordship should clearly understand that I have no wish whatever to elude the strictest investigation of my conduct and that I now pledge myself most positively and solemnly to your Lordship to produce the fullest and the most satisfactory explanations upon every Item of accusation which may be alledged against me whenever it may appear to your Lordship to be proper that I should be made acquainted with those particulars.

If after a full and fair investigation of all such matters as relate to my conduct in Upper Canada it should as I have not the smallest doubt it will appear to your Lordship that my character has been totally misrepresented and that there is no sufficient ground for the strong measures which have been adopted against me by the provincial Government, I am persuaded that your Lordship will not think it unreasonable that I should in that case hope to be reinstated in my office upon the same footing on which that office was holden by my predecessor; In all the communications with which I have had occasion to trouble Your Lordship since my arrival in England, I have had no object beyond that reinstatement, the vindication of my character against dishonourable imputation and such benefit to the public interest as might be derivable from any information or suggestions which my local experience might enable me to offer to Your Lordship's consideration.

Before I close this letter I think it right to mention to Your Lordship that Mr. Gore on several occasions as well to me personally as to several others expressed his high approbation of my character, & that, even after he had been induced to suspend me from my office; adverting to this fact, I know not how to account for Mr. Gore's conduct towards me but by concluding that he had been wholly misled by the fabricated statements of certain designing individuals with respect to my character and principles. If that be really the case, it is probable that Mr. Gore may by this time be convinced of the error into which he had been led and may not entertain any sentiments towards me incompatible with an amicable adjustment of the differences subsisting between us, I have no hesitation in assuring Your Lordship that for my own part I certainly do not entertain any such sentiments and that under any arrangement which should exculpate my character and leave me in possession of the just advantages of my Office I should be cordially and sincerely disposed to resume my station under Mr. Gore's Government and to cooperate with him by every means in my power for the benefit of the Interests and prosperity of the valuable colony committed to his charge.

I have the honour to be, My Lord,

Your Lordship's most obedient humble servant

C. B. WYATT.

A. Extract. Enclosed in letter (e).

(p. 215.)

I was indeed surprised to hear that you had been charged with a criminal intention, in erasing from the Books of the Surveyor General's Office, the name of a person who claimed a lot of land, to which it clearly appears he had no title. I well remember when Mr. Addison accompanied us to Mr. Young's in order to investigate his title, and that both Mr. Addison and myself were fully convinced from his own statement, that he had no more right to the land in question than I had. I also well recollect your saying that if he (Mr. Young) could prove the shadow of a title that you would never molest him in the possession.

JOHN MILLS JACKSON.

BATH June 29, 1807.

B. Enclosed in letter (e).

(p. 216.)

YORK October 1806.

To — Clinch, Esquire.

DEAR SIR,—I fully intended to have called on you, during my stay this season at Niagara for the purpose of a conversation relative to Mr. Young's claims to ye lot 161 in the Township wherein he now resides, for which lot, it appearing to be vacant, I have the deed; having however been unable to do so, I shall esteem it a favour if you will acquaint me by an early and convenient opportunity with circumstances (as you know them I am informed) relative to the subject of this communication and be assured should Mr. Young's claim appear to be a just one, I will not oppose him, or shall I feel a moment's hesitation in surrendering my title in his favour.

I am, Dear Sir,

Your obedient humble servant

C. B. WYATT.

C. Extract. Enclosed in letter (e).

Mr. Clinch moved for leave of absence from the House, I found it was to follow you about Young's business; He made more noise on the subject than the land is worth. I satisfied him that you would give me a power of Attorney to put in force whatever the arbitrators awarded; I send off such a one as I think you will approve of, which I beg you will sign and send back; be assured I will take care that you shall not lose, & if you did I would have you sacrifice land to character.

ROBT. THORPE.

Feb. 6th, 1807.

D. Enclosed in letter (e).

(p. 218.)

RIVER CREDIT, 6th Feb., 1807.

ROBERT THORPE Esquire.

DEAR SIR,—Having already given a power of Attorney to Mr. Baldwin to act for me during my absence from U. C. should I grant a subsequent power of the same nature to any other person I am fearful it would cancel the first and occasion a bad effect upon the adjustment of the few trifling concerns I have left unfinished in this country.

In reply to your kind letter sent after me to this place I however am induced to suggest that upon the usual Examination of the Surveyor General's office relative to the Lot No. 161 in the District of Niagara for which I have the Deed, as well as the accompanying copy of a letter written by me to Mr. Clinch (see B.) upon the subject of the said Lot of land, that Mr. Baldwin as my constituted agent will direct whatever measure may appear best calculated to secure Justice to the parties concerned in the matter alluded to.

I must acknowledge that Mr. Clinch's conduct surprises me at this time as I never received any reply to my letter to that gentleman dated in October last a copy of which I enclose particularly as he has always had an opportunity of personal communication with me since without having expressed himself to me either upon that or any other subject. As well as I can recollect though Mr. Young has actually located Land to the amount of *two hundred acres more* than the portion allowed him by the Original order of Council in his favour six hundred acres of which Mr. Young was not allowed to receive the patents for by order of General Hunter in writing, Mr. Young it would appear never even asked for, much, more made any claim to the lot of land now claimed by him.

&c. &c.

C. B. WYATT.

(f) C. B. WYATT TO LORD CASTLEREAGH.

(p. 220.)

FOLEY PLACE, July 28th 1807.

MY LORD,—I have the honour now to forward to your Lordship my answer to the two charges to which I have been required by Your Lordship to reply, and I am sorry that it has not been in my power to furnish your Lordship with my explanation upon those two points of accusation at an earlier period, but, without hazard of neglect to my own interests, I have found myself unable to forward that statement before the present period.

Should your Lordship be of opinion that my defence does not sufficiently exculpate me from the charges alleged against me to enable you to reinstate me to the Office of Surveyor General of lands in Upper Canada, without further investigation, it seems to me that it may be Your Lordship's intention to send an entire copy of my statement to York, in order that the Government there may be informed of its contents and have an opportunity of replying to it, in which case may I be permitted in justice to myself to solicit that your Lordship will direct that I shall be made acquainted with the measures you may think fit to adopt in this respect, by which means only, I shall be able to take such steps, as may be necessary and best calculated to prove that I do not deserve the dishonourable imputations which have been alleged against my character.

Your Lordship will I trust have reason to think so well of my defence in its present form, as to induce your Lordship to permit me to receive the arrears of salary and usual allowances from the time of my leaving Canada to the 30th June last, being the period at which these emoluments became payable.

The circumstances of my situation preclude the possibility of the agent in England possessing the necessary certificate from the Government in Canada to authorize him to pay the salary, the usual substitute for those certificates in similar cases is an order from the Secretary of State, I therefore humbly solicit that your Lordship will be pleased to grant me the indulgence I request.

I have the honour to be with profound respect

Your Lordship's most obedient humble servant

C. B. WYATT.

(g) C. B. WYATT TO LORD CASTLEREAGH.

(p. 270.)

FOLEY PLACE, August 18th 1807.

MY LORD,—The confidence I feel in your Lordship's justice, and in the purity of the motives by which I know the whole of my conduct in Canada to have been actuated, induced me to hope that the explanation which I have already sent to your Lordship, upon the subject of the two charges which I have been called upon to answer, will be sufficiently satisfactory to prevent a confirmation of my suspension from my office. I therefore venture, relying with implicit confidence on the strong grounds to which I have already alluded, to repeat to Your Lordship my earnest and humble request that you will be pleased to allow me to receive the salary and usual emoluments of my office, at least until Your Lordship shall have ascertained that I am unworthy of that indulgence. I am assured that a contrary conclusion will be the final result of your Lordship's investigation of my case and I am persuaded that under such a conviction in Your Lordship's mind, you would regret that I should have suffered a great degree of deprivation and inconvenience which my conduct did not appear to merit.

In the absence of the certificates which are the usual vouchers upon which the agent pays the salaries of Public Officers in Canada, & which cannot be supplied to any officer during his residence in England, the authority which it is customary to substitute in lieu of those certificates, is a letter from the Secretary of State addressed to the agent, authorising him to pay the salary in question as it may become due. But in addition to my salary a large proportion of the emoluments of my Employment arises from fees paid upon the spot, none of which I can at present

receive; they are deposited in the hands of the Receiver General in Upper Canada where they must remain until he shall have authority to issue the amount.

Adverting to the circumstances of my case, I trust that Your Lordship will have the goodness to order that a Letter may be written to the agent for Upper Canada, directing him to pay my salary to me in England, until he shall receive further commands upon the subject; and another Letter to be sent to York authorising the Receiver General to pay to my agent the amount of fees now due to the Surveyor General and which shall become due to me until the question at issue shall have been finally decided or until he shall receive further orders.

I am sorry to give your Lordship so much trouble, but the difficulties arising from the situation in which I am placed, occasioned by the great additional expence for the purpose of conveying my family from Upper Canada, and of maintaining them in England, compels me to make this appeal to Your Lordship's indulgent consideration.

I have the honour to be, My Lord,

Your Lordship's most obedient humble servant

C. B. WYATT.

(h) LORD CASTLEREAGH TO C. B. WYATT.

(p. 274.)

DOWNING STREET, 28th August, 1807.

SIR,—I have perused your Defence, and with respect to the specific charge brought against you by Lt. Governor Gore, of your having erased the name of a Grantee from the Records of your office & substituted your own, Explanation of that Fact appears to be satisfactory; but before any ultimate judgement can be made upon the subject it will be necessary for me to transmit it to Lt. Governor Gore for his Consideration & Reply. With regard to your Salary, it appears to me that you cannot be considered as entitled to any whatsoever, whilst under suspension, and I do not find myself at present enabled to direct your Restoration.

I am, Sir,

Your most Obedient humble servant,

CASTLEREAGH.

(i) C. B. WYATT TO EDWARD COOKE.

(p. 303.)

FOLEY PLACE 8th Sept. 1807.

SIR,—It is I assure you with great reluctance that I again trespass on your time; I however hope that the urgent considerations which induce me to do so on the present occasion will be a sufficient apology for the intrusion.

Having understood from you, in the course of conversation which passed between us yesterday, that it is the intention of Lord Castlereagh to transmit to Canada a copy of the statement which I had the honour to submit to his Lordship relative to the two charges against me which I was by your letter of the 2nd of July last required to reply; and feeling as I do that my character as to principles of quality and honour, may through life, depend in a great degree upon the final and complete confirmation of the facts which I have asserted in that statement, I must beg that you will have the goodness to submit to Lord Castlereagh my earnest request that his Lordship will be pleased to direct that I should be furnished with a written authority in duplicate enabling me to require through the agent in Canada, attested copies of the Official Documents specified in the accompanying list, as those papers contain the only evidence of which it is in my power, at this distance from Canada, positively to prove the facts which I have asserted relative to the accusation of fraudulently erasing a person's name from the map in the Surveyor General's Office in order to insert my own; and consequently that they are the only means by which I can defend my character effectually against the serious imputations which may be brought against it upon this point, in the event of the Provincial Gov-

ernment not admitting the strict truth and accuracy of the statement which I have already made upon the subject. I am persuaded that principles of generous liberality, as well as of justice, will prompt both Lord Castlereagh and you to accede to my request on this occasion, and to afford me every reasonable protection in your power against an eventual injury to my Reputation, which in my Conscience I know cannot be due to the motives which have actuated any part of my conduct in the discharge of my official Duties; and which in all probability, were it to occur, could not be repaired during the remaining period of my life.

It is scarcely necessary for me to state that the Emoluments of my office in Canada are of important value to me, and I trust that you will believe me when I assure you that much as I should suffer for the loss of them, I am less anxious to retain them than I am to rescue my character from any imputation which shall appear to attach to the probity and honour of my principles. Influenced by this impression and feeling at the same time the important value of the emoluments of my office, it was highly satisfactory to me to hear from you yesterday that both Lord Castlereagh and yourself were as thoroughly satisfied, as you could possibly be by any *ex parte* evidence that I was entirely innocent of the only charge against me which attaches to my integrity and honour, and that altho' upon a general principle of Govt. there were objections to my resuming my station at York, under Mr. Gore's administration, it was Lord Castlereagh's intention to recommend me to the Treasury for some other situation in lieu of that which I held in Upper Canada.

It is obvious that as I am not to return to Canada my actual appointment to some other situation is the only means by which my Reputation can be defended against the degrading and painful stigma of having been deservedly dismissed from a lucrative and responsible occupation in the public service. I therefore hope that Lord Castlereagh will have the goodness to delay the final and official confirmation of Mr. Gore's proceedings with respect to my suspension until I shall be appointed to another office.

The expenses which I have unavoidably incurred amounting to about £3,000, in conveying my family and servants to and from America, in purchasing household Furniture and other necessary articles for my use in that Country; the necessity which I shall be under of selling those goods upon the spot at a great depreciation & under heavy costs and charges, will undoubtedly occasion to me a positive loss of a very large sum of money.

Adverting to this severe inconvenience & to the fact that my return is not precluded by my being deemed unworthy the official countenance of Lord Castlereagh, but by those general principles of Govt. which seem to require that the Provincial Government should be supported in all cases of collision with its inferior officers, I am induced to hope that Lord Castlereagh will have the goodness to allow me to receive the salary of my office in Upper Canada until my appointment to some other situation shall take place and I must beg the favour of you to submit to his Lordship my earnest and humble request to that effect.

It may be right to observe that Mr. Gore's warrant of suspension goes only to suspend me expressly from the duties of the office, and certainly no other person can receive any of the emoluments until an authority shall have been obtained from the Government at home to that effect.

I am persuaded that under all the circumstances of my case, as it now stands, Lord Castlereagh will be disposed as far as may be in his power consistently with the due discharge of public duty to grant me any indulgence which shall be calculated to mitigate the great inconvenience to which I have been made subject by my suspension from my office in America, and to avert from me the most distressing pecuniary embarrassments.

I have the honour to be, Sir,

Your most obedient humble servant

C. B. WYATT.

Where to be obtained.	List of persons referred to in Mr. Wyatt's letter to Mr. Cooke, dated 8th September, 1807.
Office of the Clerk of the Executive Council.	<i>First.</i> —A copy of the Order in Council granting to C. B. Wyatt, Esquire, twelve hundred acres of the Waste Lands of the Crown in Upper Canada, together with a copy of the Receiver General's Receipt for the amount of Fees paid by Mr. Wyatt for three hundred acres being a portion of the above mentioned grant attested by the proper authorities.
Lt. Governor's or the Surveyor General's Office.	<i>Secondly.</i> —An attested copy of Mr. Wyatt's letter to Mr. President Grant dated about the month of July 1806, requesting his permission to locate the Lot of Land No. 161 in the Township of Niagara.
Surveyor General's Office.	<i>Thirdly.</i> —An attested copy of Mr. Wyatt's letter to the Honble. Robt. Hamilton dated about the month of July, 1806, relative to a person by the name of Shubel Welton whose name appeared upon the map in the Surveyor General's Office, of that part of the country where Mr. R. Hamilton had long resided as a Magistrate &c. &c. together with Mr. R. Hamilton's reply to Mr. Wyatt's letter above alluded to relative to Shubel Welton.
Surveyor General's Office.	<i>Fourthly.</i> —An attested copy of the official document called a Location Paper, in favour of Mr. Wyatt for the Lot No. 161 in the Township of Niagara.
Surveyor General's Office.	<i>Fifthly.</i> —An attested certificate specifying whether it has not been the practice in Upper Canada with permission of the Governor or person administering the Government, to substitute names on the maps in the Surveyor's General's Department in cases where the original nominees have neglected to take out their patents or from other causes in favour of subsequent applicants for the Lands so disposed of, and particularly specifying whether the name of the Honble. H. Allcock, the late Chief Justice of U. Canada is not entered on the 5th lot north of the Town of York east side of Yonge Street formerly located by one Cozens, together with a copy of the authority by which Mr. Allcock's name was substituted on the said Lot in lieu of Cozens's.
Surveyor General's Office.	<i>Sixthly.</i> —An attested certificate specifying the quantity & situation of all lands in Upper Canada, described under the authority of the Surveyor General's Office as a Grant to Mr. C. B. Wyatt.
Surveyor General's Office or Council Office.	<i>Seventhly.</i> —An attested copy of all the original Orders in Council in favour of Mr. John Young, of the Township of Niagara, for lands granted to him in the Province of Upper Canada.
Surveyor General's Office.	<i>Eighthly.</i> —An attested certificate specifying the quantity and precise situation of the Lands located by the said J. Young, and those actually described for him previously to the month of August 1806.

Where to be obtained.	List of persons referred to in Mr. Wyatt's letter to Mr. Cooke, dated 8th September, 1867.
Surveyor General's Office.	<i>Ninthly.</i> —An attested copy, verbatim, of Gen. Hunter's written communication refusing Mr. Clinch's application to locate for Mr. Young a portion of the Lands granted to him, Mr. Young, by the Executive Council on the spot.
Surveyor General's Office.	<i>Tenthly.</i> —An attested certificate signifying whether there exists or not, any official register in the Surveyor General's Office in Upper Canada, by which it could be presumed that Mr. Young had ever, prior to the month of August 1806, stated a claim, to the Lot of Land No. 161, in the Township of Niagara, and whether there is any official register in that Department by which it would appear that any individual (excepting the original nominee Shubel Welton) ever possessed a legal claim to the said Lot of Land in the Township aforesaid.
Clerk of the E. Council or Book of Letters received in S. G. O. No. 5 page 1490.	<i>Eleventhly.</i> —An attested copy of Proclamation dated 21st of August 1795, requiring all tickets or certificates of Location to be presented as prescribed &c. &c.
Surveyor General's Office or Clerk of the Executive Council's Office.	<i>Twelfthly.</i> —An attested report from the proceedings of the Commission, established by a Provincial Act of Parliament for the purpose of securing titles to Lands in the Province of Upper Canada, stating whether any claim appears to have been made before that Commission in the name of Young relative to the Lot 161 in the Township of Niagara previous to the month of August 1806.

No. 3 (of No. 45).—EXTRACTS FROM LETTERS TO JUDGE THORPE.
(p. 372.)

In a letter from one Le Favre (a United Irishman) residing in America is the following:

"Prior to writing it (alluding to another letter) I had handed to Mr. Clinch two hundred and fifty hard dollars to deliver you."

Le Favre came from America on a Land speculation, but the Government, conceiving he was an improper character did not accede to his wishes. He then, as every disaffected person does, applies to this Judge, at least from the following paragraph from the same letter, I have a right to make the conclusion:

"I purpose if you shall approve it, & I hope you will, to put the name of my son in law (Mr. Donohue of Streamstown) for the lands in place of my own, he being young and independent," and again, "I shall add whatever you advise will entirely govern my conduct but to that end I must look for your continuing to honour me with your entire confidence."

In a letter from one Thompson, a *Rebel*, is the following:

"Capt. Brant tells me the Dutch Men are gone up the Lake with the money, he expects them here tomorrow along with Mr. Jones, when I hope you will get some assistance in the money way."

No. 4.—MRS. WYATT'S INFORMATION.
(p. 374.)

It was Mr. Thorpe and his party that persuaded the people to raise a subscription to pay his Election Bills "that it might enrage the Government and that had those

"contemptible wretches, those old women (meaning the Executive Council) known
 "anything of Law, they might have prevented his being return'd a member this
 "Session."

Mr. Thorpe has also endeavour'd to persuade the printer engaged by Government to relinquish his Office and that he would make his future for him. Mr. Thorpe declared he had never anything to do with the Elections, it is false, he was at the head of every meeting held for the purpose & everything that appeared in print or Resolutions read at those meetings, *were written by himself*, he has declared the London address was intended to annoy & quiz the Governor and his constant Boast is, that he upset the Government in Prince Edward Island, and did not doubt he would do it again if they did not adhere to his principles.

No. 46.—MRS. THORPE TO EDWARD COOKE.

(*Canadian Archives, Series Q., Vol. 310, p. 406.*)

ALBANY 15th December, 1807.

SIR,—The duplicate of a letter of yours having torn my husband from me, I request you will give him the enclosed, as I know not his direction.

When going, he left with me draughts on Mr. Adams for one hundred pounds, a few days after his departure several of Mr. Thorpe's bills on that Gentleman were returned protested, for some deficiency in the form of the certificate. My husband was now loaded with every abusive epithet, and no money would be given on the draughts left with me. Unaccustomed to derive support from eleemosynary donations, and unable to bear insult, I bade adieu to a place where my heart was nearly broken.

How I reached Albany I scarcely know, but on my arrival I applied to an American merchant who cashed the bills to defray the expenses of my journey, and I most fervently hope that nothing will induce Mr. A. to return these bills.

I mention these circumstances to shew the ruin that the mere want of form has brought on an innocent family.

When it was Lord Castlereagh's pleasure to suspend my husband, did he never give a sigh for the feelings of a wife or the helpless situation of seven children? Yet his Lordship is a husband and a parent.

My dear husband on the bosom of the deep surrounded with dangers, the Atlantic between myself and a friend, in a cold climate without means for support, or even an acquaintance. What an alteration to a female, what a change of scene, to one delicately brought up, reared in the lap of affluence.

This intrusion on you is very unpardonable, I did not intend it, 'tis against every rule of etiquette, but *misery* knows not *etiquette*.

I am, Sir,

Your obedient humble servant

S. THORPE.

I request you will not mention this letter to Mr. Thorpe. Poor fellow! he has already sufficient annoyances.

No. 47.—LIEUT. GOVERNOR GORE TO ADAM GORDON.

(*Canadian Archives, Series Q., Vol. 310, p. 409.*)

P.S. You will form a favourable idea of our Courts of Justice in Upper Canada, when I inform you that the Grand Jury of this District, have presented one of the Judges (Mr. Thorpe) for a libel, who left the *Bench* to plead his own case at the Bar.

NOTE E.

COURTS OF JUSTICE FOR THE INDIAN COUNTRY.

No. 1.—LIEUT. GOVERNOR MILNES TO LORD HOBART.

(*Canadian Archives, Series Q., Vol. 89, p. 144.*)

QUEBEC 30th October, 1802.

MY LORD, —1. I have the honour to enclose Your Lordship a copy of a letter from the Chief Justice and the Puisne Judges of the Court of King's Bench for Montreal, together with a copy of a Presentment lately made to them by the Grand Jury in that District, relative to the incompetence of His Majesty's Courts in this Province to take cognizance of offences committed in the Indian Territory; The circumstance which gave rise to this Representation is of such serious consequence and the magnitude and importance of the trade carried on with the Indian Country so great, that I feel it peculiarly incumbent on me, upon this occasion to transmit to Your Lordship the fullest information I have been able to collect relative to these objects, in order that such measures may be adopted with regard thereto, as shall be most expedient and effectual.

2. The fur trade has long been an object of Commercial Importance and at present, so far from diminishing, it appears to increase; new Tracts of Country have been visited by the Merchants employed in this Traffick, which have furnished new sources for the supply of Furs, and much of those collected in the interior of the North West Country which were formerly shipped from Hudson's Bay are now exported from Quebec.

3. The state of this Trade during the French Government was very precarious. Some years its Product was great, in others but very small.

4. This was perhaps in some measure owing to the interference of the Crown, no person being suffered to trade with the Indians, without an annual Licence from the Governor, by which means, under such a Government as that of France, no man could depend upon obtaining a Licence for the next year; no general system was pursued, and no establishments of any Importance were made. Individuals purchased their Licences for a year, and each trafficked under them where, and as he thought best, so that the product of the Trade was regulated by the number of Adventurers which annually offered, and the Returns were in proportion to their Numbers and to the Capital employed by each of them.

5. The French East India Company however had the sole privilege of exporting Beaver; for this purpose they had an agent in each Government, a Director and a Comptroller, and a stated price was paid for it to the Indian Traders, viz: Four Livres a pound for the Green or Winter Beaver and a Livre ten sols for the Parchment or Summer Beaver; but the value of the entire quantity of Furs exported never exceeded £140,000 stg and was often less, particularly in 1754, when it amounted to £64,000, and in 1755 to £52,000 only, when it was considered as a declining Trade.

6. Since the Conquest the Spirit of British Commerce has brought the Fur Trade into Regular Form; it is now carried on upon System, and a large Capital is invested by a Company of Merchants long since known by the name of the North West Company, who have extended the Trade very far into the Interior of the North West parts of this Continent, where they have established numerous Trading Houses.

7. The success of this Company, and the great and rapid fortunes which many of them have amassed, occasioned the establishment of a second Company in the year 1800, who have the Command of a Capital equal to that of the North West,

and as they pursue the same line of Commerce by the same means, and in the same parts of the Interior Country, mutual Jealousies have arisen, Complaints of the Conduct of each, and of the Servants of each have been made, and both have proceeded from one step to another until the Contest, from a Commercial Competition, has grown to open enmity and hostility.

8. But very lately a Clerk of the North West Company at one of their Posts upon the Confines of the Country commonly known by the name of the Hudson's Bay Limits, had a dispute with a Clerk of the New Company respecting a quantity of Furs collected by an Indian who was in debt to both the Companies. The North West Clerk contended the Furs were his, because his debt was the oldest, and the Clerk of the New Company declared that he was in possession and would retain them; the former however persisted in his right and advanced declaring he would take them, when the latter drew a Pistol from his Pocket and shot him upon the Spot.

9. The young man who was thus the cause of the other's death came down to this Province in September last, and through the medium of his friends, offered to surrender himself for Trial; but a Trial could not be had, because the offence had happened without the Limits of the Province, and therefore the ordinary Courts of Justice had no Jurisdiction over it; and it appears also that the Governor is not empowered to issue a Special Commission for the Trial of offences committed without the Province. This case gave rise to the Presentment made by the Grand Jury of Montreal, of which I have enclosed Your Lordship a Copy (B). Further to elucidate the subject, I enclose also a copy of the Report made to me thereon by the Attorney General (C).

10. If the Fur Trade was carried on within the Limits of the Canadas, there would be but little difficulty in restraining the Two Companies and their servants, and in keeping the Conduct of both within their proper bounds. But the seat of the Trade lies many Hundreds of Miles beyond the Limits of either of the Provinces, where there are no military Posts, no officers of any Government, no Persons, in short (Indians excepted) but the Servants of the Two Companies, who are already hostile to each other, exasperated by mutual acts of aggression, interested in the success of their respective Companies, freed from all immediate restraint, and fearless of future punishment, because they know that the Courts of the Canadas cannot take cognizance of Crimes committed where they traffick.

11. Under such circumstances every species of offence is to be apprehended from Trespasses to Murders, and also that the natural Character of the English will be debased among the Indians; and that the numerous Tribes of those people will in consequence thereof be more easily wrought upon by Foreign Emissaries employed by the Enemies of Great Britain.

From what is here stated I trust your Lordship will perceive the great necessity of providing as soon as may be, a competent Jurisdiction for the Trial of all offences committed in the Indian Country without the Limits of the Two Canadas. The trade is encreasing and the number of persons employed must therefore also encrease; to enable Your Lordship to form some opinion of its probable extent I inclose a Return (D) of the number of Persons now employed in the service of the old North West Company, to which may be added a third of the entire number, that being about the proportion of those who are in the service of the new Company.

13. I further enclose a Statement of the average number of Furs exported from Quebec during the last nine years, with a Calculation of the Duties paid thereon, on their being landed in England, amounting to upwards of Twenty-two thousand pounds annually, also a statement (F) of the several kinds of Peltries actually shipped from Quebec last year, specifying the average prices at which they sold in London, amounting to Three hundred and seventy-one Thousand Pounds, which will shew the growing importance of this Commerce to the Mother Country.

14. Whether subjecting persons engaged in this Trade to taking out Licences might afford an advantageous check to the evils apprehended, or whether it might be prejudicial to the Interests of the Mother Country in her particular intercourse with this Province, or in her general Commerce, is a matter that requires the most serious Consideration, Furs and skins being raw materials necessary for many of our

Manufactures, and which cannot be had from Foreign Countries upon terms so advantageous (if at all) as those upon which they are procured from a dependent Province. Perhaps therefore, as there is ground to hope that a Jurisdiction for the Trial of offences committed in the Indian Country would be sufficient, it may be advisable that no other step should be immediately taken for the better regulation of the Trade in question, than the establishment of such a Jurisdiction.

But at the same time I am of opinion, and therefore subject to Your Lordship's Consideration, if it might be proper that the act of the Imperial Parliament (in case one shall be passed) to provide a means for the Trial of offences committed without these Provinces should also empower the Governors to appoint such Person or Persons as they shall see fit, to seize and apprehend in the Indian Territory all Persons whatsoever charged with Felonies and to send them under proper Custody to that Province to which they belong, or from which they proceeded to the Indian Territory, in order there to take their Trial for the same. His Majesty's Proclamation of the 7th Oct. 1763 has a Clause somewhat similar to that which I have here proposed, but it extends only to Military Officers and to officers of the Indian Department, of which Descriptions of Persons there be none in the North West Territory.

With respect to what the Judges in their Letter to me state, "that Felonies committed in places where there may be no Court of competent Jurisdiction to try the same, may be tried in the Province next adjoining to such Place where the Felony may have been committed," I have to remark to Your Lordship that the Peltries are for the most part brought down the Grand or Ottawa River to Montreal, which River, as well as many of the Posts belonging to the North West companies are nearer to Upper than to Lower Canada, but as the Canoes return by the Ottawa, the distance from the Place where Justice is administered in Upper Canada may make it more inconvenient to the parties than if they came down to Montreal, the Port of Return; and should it be necessary for witnesses to attend the Courts of Upper Canada, they would in the first place often come to Montreal by the Grand River, and be obliged to go up by the Lakes, which would be attended with much Inconvenience. I therefore beg leave to submit to Your Lordship's Consideration, whether instead of trying offenders in the nearest Province, it would not be advisable to give the Courts of Justice in both Provinces the same Jurisdiction, to be exercised whenever there is occasion without confining it to the Province nearest where the offence shall have been committed.

I have the honour to be, My Lord,
Your Lordship's most obedient and most humble servant
ROBT. S. MILNES.

Enclosed.

(A.) THE JUDGES OF KING'S BENCH, MONTREAL TO LIEUT. GOVERNOR MILNES.

(p. 153.)

SIR,—We have the honour to present to Your Excellency a Calendar of the prisoners tried, convicted, and under sentence, at the last Session of His Majesty's Court of King's Bench for this District.

* * * * *
With respect to the murders lately committed in the Interior, or Indian Territory, the Grand Jury have endeavoured to represent the magnitude of the evils to be apprehended, should a speedy remedy not be provided, to restrain the dangers that actual circumstances too clearly announce.

Should the Imperial Parliament grant to the Respective Governments in the two Canadas, a Jurisdiction similar to that enacted by a statute passed in the 15th year of His present Majesty's Reign, chap. 15, sec. 29 for America—that Felonies committed in places where there may be no Court of competent Jurisdiction, to try the same, may be tried in the Province next adjoining to such place, where the Felony may have been committed, it might deter the commission of crimes, so far as the dread of detection and punishment could extend.

But your Excellency will perceive that jurisdiction alone will not effectually secure His Majesty's Government against the Commotions, the Hostilities and the Crimes that are to be apprehended in the Interior Country where the Fur Trade is carried on *from this Province*.

Whatever measures could be adopted to correct the strong animosity which that Trade excites among the few who are in possession of it might weaken the source of the struggles, and the conflict of contending Parties; and with the Jurisdiction above alluded to give protection to the lives and secure the peace of His Majesty's Government and People.

Which with all deference and respect is submitted by

Your Excellency's most obdt. humble servants

J. MONK, *Ch. Justice*.

P. L. PANET, *J.B.K.*

J. OGDEN, *J.B.K.*

A. DAVIDSON, *J.B.K.*

(B.) PRESENTMENT OF THE GRAND JURY, MONTREAL.

(p. 156.)

To the Honourable the Chief Justice and the Justices of His Majesty's Court of King's Bench for the District of Montreal, in the Province of Lower Canada.

The Grand Jury for the said District represent:—

That circumstances which have happened in the Indian Country, evince the existence there of a most serious evil which altho' generally known, yet the Grand Jury find themselves incompetent legally to investigate the same in its particular instances, as the alledged facts have happened beyond the limits of the District, and of the Province, but as such evil, in its nature, involves consequences of the highest Importance, to the lives, personal freedom and properties of many of His Majesty's subjects of this Province, they feel themselves irresistibly called upon to bring the same under the view of His Majesty's Government through the medium of this Honourable Bench, that a remedy may as speedily as possible be applied thereto.

The two provinces of Canada are each bounded upon one side of the Territory called Hudson's Bay, and to that Territory, a very extensive Trade is carried on through both Provinces, but particularly from Lower Canada, from whence a number of persons annually go thither, and when there, many remain therein for one or more years employed in different departments of the Indian Trade and afterwards return to this Province. His Majesty's subjects therefore in Lower Canada, are most particularly interested in the subject of this Representation.

In the said Territory of Hudson's Bay there does not exist a Tribunal for the Cognizance of Crimes and Criminal Offences, and consequently in accusation for Offenses of that nature, committed therein either by Persons from the Canadas or otherwise the offender (from the want of such a Tribunal) cannot be tried in the Territory where the facts were committed, nor are the same cognizable in either of the Canadas altho' immediately adjoining thereto, from the operation of that general principle of English Jurisprudence, that Criminal Offences which have happened beyond their limits, cannot be enquired into by any Tribunal within such limits, consequently in such cases no remedy appears to exist, but such as is applicable under the present Statute of the 33rd of Henry the VIII, cap. 23 by the issuing of a special Commission in England by His Majesty, where alone, the facts can be legally enquired into and decided upon by a competent Court and Jury.

The consequences which may result from a doubtful Jurisdiction, or from the necessity of a Reference to a Jurisdiction in this respect so remote as England is, one obvious and most alarming, such doubtful and such remote Jurisdiction may have been an incitement to the Commission of Crimes, and must be so in that Territory; on the one hand they may totally defeat the end of Public Justice, or on the other may be the means of depriving an innocent person who may be unjustly accused, of ever having an opportunity of legally evincing to his Country and friends his innocence.

Nothing can have a greater tendency to prevent and repress Crimes than the idea of speedy Trial, and punishment of Offenders if guilty, and to protect innocence by a speedy acquittal if wrongfully accused, and as punishments are of more importance in regard to their influence upon society as examples to others, than in respect to the actual sufferings of Individuals who may justly undergo them, such wholesome influences is wholly lost; when such trials and Punishments take place at a great distance from those among whom the examples are meant to, or can have useful operation.

The very heavy expence incident to the Conveyance of offenders from the Territory of Hudson's Bay to England, with the necessary witnesses on both sides, and the cost of Prosecution and defence, must generally operate, either to prevent recourse to a Tribunal across the Ocean, and thereby stimulate to private retaliation and revenge, or where such course can or shall be had, the guilty may escape punishment, and the innocent be sacrificed from the distance of time and place of trial; the death or absence of witnesses, or other causes, and the mind cannot contemplate without horror, the possible abuses to which such circumstances might give rise; as in the instance of a Prosecutor coming from and at a remote day, when the accused may be destitute of pecuniary means, and the exculpatory evidence may either be dead, removed or be otherwise beyond his reach, who at all events (however innocent he may finally be found) will have undergone a long and painful confinement, far removed from his Family and Connexions, and perhaps ruinous to every prospect he had in life.

All these evils and hardships either in regard to public justice or to Individuals, the Grand Jury conceive may be remedied by the establishment of a capital jurisdiction within His Majesty's Territories, on this side the Atlantic, and for this purpose it is highly desirable, that His Majesty's Tribunals in Canada should respectively be invested with jurisdiction in respect to the Cognizance of Crimes and Criminal Offences, which may be committed in places of doubtful territory near their limits or beyond their limits (if on this side the sea) they are committed by persons connected with or in the employ of other persons resident in or Trading from such Provinces respectively, to the Territory where the facts alleged shall have happened.

In regard to Lower Canada, this extension of jurisdiction so limited to such Persons, would in fact be an assimilation to that valuable and humane principle of English Criminal Law, that the accused shall undergo a Trial by a Jury of their vicinage, because a very great majority of the persons upon whom the same could have operation, will either be natives of or will have been residents in this Province.

The Grand Jury confide in this Honourable Court aiding this representation by such additional reasons, as the superior legal intelligence of its members may suggest for the attainment of the object in view, and for that purpose, lay this, with their own representation in the premises before His Excellency the Lieut. Governor, in order that the existing evils may be submitted to the consideration of the Legislature of this Province, if competent to afford a remedy, or if not, that application be made thereon, by His Excellency to His Majesty's Ministers, that the same may be laid before the Imperial Parliament, whose Wisdom and Justice will not fail to apply adequate relief.

MONTREAL, 10th September, 1802.

William Hunter
François Papineau
Jno. Blackwood
Jacques Hervieux
Fredk. W. Ermatinger
Samuel Gerrard
Pierre Berthelot
Pre. Guy
Isaac Todd
A. Auldjo
Jno. W. Kindlay

John Guil. Delisle
John Richardson
Silvin Laurent
Alex. Henry
Jno. Delisle
James Woolrich
Denis Viger
Etienne Guy
John Porteous
Charles Larivée.

(C.) REPORT OF THE ATTORNEY GENERAL.

(p. 162.)

To His Excellency Sir Robert Shore Milnes, Bart., Lieutenant Governor of the Province of Lower Canada &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY,—

In obedience to the commands of Your Excellency signified to me in Mr. Sec. Rylands's Letter of the 15th instant, directing me to report my opinion—"Whether persons charged with offences committed in the Interior Country, without the limits of this Province, can now be brought to Trial in this Province, and if not, what will be the most eligible jurisdiction for the Trial of such Offenders." I have taken the subject fully into my consideration and am of opinion that Offenders of this description cannot now be tried by any of the ordinary Courts of Law nor by any special Commission issued in this Province for the jurisdiction of the former is confined to Crimes committed within the Province, and no authority to issue any special Commission for the Trial of Crimes committed without the limits of the Province is vested in the Governor. It was indeed formerly held that under the Statute of 14 George III, c. 83 the Governor had such Authority, in like manner as His Majesty is by an Act passed in the 33 year of King Henry the 8th enabled to issue special Commissions for the Trial in England of Offenders charged with murder committed without the realm, and two other persons, James Gale and Alexander Henry Thompson were in the year 1788 indicted at Quebec for murder committed in the Interior Country and convicted upon a special Commission issued for that purpose under the Great Seal of the Province. Doubts however were entertained as to the legality of these convictions and the Question was submitted to the present Chief Baron McDonald and Lord Eldon then Attorney and Solicitor General, who were of opinion that the Governor could not legally issue such a Commission, and in consequence of this opinion both Gale and Thompson were by His Majesty's orders discharged from custody.

The Attorney and Solicitor General were also of opinion—"That in order to bring to trial in the Province persons charged with having committed under any particular circumstances Felonies or other offences out of the Province, some Provision must be made by Parliament, if it should deem proper so to do, either by giving jurisdiction to the ordinary Tribunals of the Province for such purpose or by passing an Act to enable the Governor to issue special Commissions for the Trial of such Offenders."

I have the honour to concur intirely in this opinion, as to the necessity of an Act of the Imperial Parliament, our own Provincial Parliament being incompetent, but I cannot but prefer the last to the first means proposed. Our Courts of King's Bench are held but twice in a year, and to detain witnesses who come either from the United States or from the Indian Country until a Term of the King's Bench is held will frequently be impracticable, at all events in those cases where they do remain great expense will be incurred, burthensome to the Crown or to the Prisoners; and in those where they do not remain, the offender may escape the punishment due to his Crime or an innocent man may be injured from the want of their Testimony.

Under a special Commission which can be issued at any time, the Justices appointed can by adjournments grant that time which the respective situations of the prosecutor or the prisoner may require be that longer or shorter, and accommodate each party so as to answer the ends of Justice.

I must also remark that many parts of the Interior Country in which Crimes may be committed, may be supposed by the United States to lie within their limits, and it appears to be highly proper therefore to vest the power of proceeding to Trials of any offences committed without our Territory in the hands of the Governor, to be exercised by him, with the advice of His Majesty's Executive Council, according to his and their discretion guided by the Circumstances of the case and the Political Exigencies of the Province.

I am for these reasons further of opinion that a Statute of the Imperial Parliament, vesting in the Governor and Executive Council of this Province such power to issue special Commissions for the Trial of Felonies committed on the Continent of America without the limits of the King's Provinces and the United States as are vested in His Majesty and in his Privy Council by the Statute of 33 Hen. 8, c. 25, with respect to the Trial in England of offenders charged with murder committed without the Realm, will afford the most eligible jurisdiction for the Trial of such Offences.

All which, nevertheless, is most respectfully submitted by

Your Excellency's most obedient and most humble servant

J. SEWELL, *Att. General.*

QUEBEC, 23rd October 1802.

(D.) GENERAL RETURN of the Departments and Posts occupied by the North West Company, in the Indian Country, with the number of Partners, Clerks and Men employed in that trade, exclusive of the King's Posts.

Names of Departments.	Latitude.	Longitude.	Posts.	Partners.	Clerks.	Common Men.	Total.
Saint Maries.....	46 30	84 W.	1		2	12	14
Michipicotin.....	from 46 0 to 47 55	84 15 to 84 45	3		3	10	13
Kamanistiquia.....	48 25	89 20	1		2	18	20
Grand Portage.....	48	90	2		3	8	11
Mille Lacs.....	48 25	91 30	2		3	6	9
Pic.....	48 40	86 2	3		4	10	14
Nipigon Lake.....	49 to 53	86 to 91	2		2	7	9
Nipigon.....			7	1	10	55	66
Lac de la Pluie.....	48 9 to 49 20	91 50 to 94 30	6		6	28	34
Riviere Rouge & Assiniboine.....	48 25 to 51 45	97 to 103 15	10	2	16	90	108
Lac Ouinipique.....	50 to 54	94 50 to 99	2		13	65	80
Fort Dauphin.....	51 40 to 53	98 35 to 102 45	7	1	14	60	75
Shuskachivan River.....	53 10 to 54 30	99 47 to 115	9	2	16	80	98
English River (Missinipe).....	53 56 to 55 45	98 to 112	9	2	12	75	89
Athabasca.....	55 to 66	110 to 120	18	5	16	186	207
Upper Athabasca River.....	54 to 55	112 to 116	3	2	4	44	50
South side of Lac Superior and the Fond du Lac.....	46 to 48	84 to 95 30	12	1	15	68	84
Grand or Ottawa River.....			102	18	141	822	981
Saint Maurice Posts.....			4		6	18	24
Moose River, Hudson's Bay.....			3		5	9	14
Temiscamingue.....			2	1	3	10	14
			6	1	6	18	25
G. Total.....			117	20	161	877	1058

It may be proper to state that of this number, there are employed in the Territory of the United States, comprehending the South side of Lac Superior, until the division of the waters that fall into the Missisipe on one side and Hudson's Bay on the other as also the Grand Portage.....

On the waters which fall into the River St Lawrence, comprehending the North side of Lac Superior, the Post of St. Maries, Kaministiquia, Temiscamingue, Lake & St. Maurice..... 95

On the waters which fall into Hudson's Bay, comprehending the River Rouge, Nipigon, Fort Dauphin, Lac Ouinipique, the Shuskachivan, & English River (Missinipe)..... 76

And, the waters which discharge themselves into the North Sea by McKemie's River..... 630

257

1058

Exclusive of the above number of Partners, regular clerks and servants who winter, there are 80 [to] 100 Canadians and Iroquois Hunters with whom the North West Company have Contracts, but who are not considered servants of the Company, ranging free over the Country wherever they find it convenient to hunt.

There are yearly employed by the Company in Canoes by the Ottawa River 540 men, 400 of which go to the place of Rendezvous on Lac Superior, where they pass from 6 to 8 weeks, and then return to Montreal with the Furs.

McTAVISH, FROBISHER & CO.

(E.) AVERAGE NUMBER OF PELTRIES cleared at the Custom House Quebec for England, for nine years from 1793 to 1801 inclusive, with a calculation of the Duties paid thereon on their landing in England, amounting annually to £16,071.15.4.

(p. 168.)

137,558	Beaver skins	1d each	£ 573 2 4
38,368	Martins	55s pr 40 or 1s 4½ each.	2,656 7 3
18,349	Otters	1s 5d each	1,299 14 5
11,329	Minks	16s 6d per 40	233 13 6
5,483	Fishers	1s 4½d each	399 5 2
10,141	Foxes	4½d each	190 2 10
19,286	Bears	5s 6d each	5,303 13 "
169,811	Deer	2d	1,415 1 10
144,439	Raccoons	13s 9d per 100	993 " "
12,200	Cased and open Cats	11s per 100	67 2 "
843	Elks	4d each	14 1 "
6,885	Wolves	6s 4d each	2,180 5 "
778	Wolverines	3s 6d each	136 3 "
819	Carcajoux	3s 6d each	143 6 6
219	Badgers	7d each	6 7 9
9,140	Kitts	11s per 100	50 4 3
1,978	Seals	2d each	16 9 8
2,835	Squirrels and Hares	11d per 120	1 1 10
57,151	Musk rats	13s 9d per 100	392 11 3
2	Buffaloes		
1	Tyger		2 9
			<hr/>
			16,071 15 4

The foregoing calculation is made in conformity with an Act passed in the 27th year of His Majesty under which all former Duties were consolidated, but it is understood that since that time other and additional Duties have been laid on Skins estimated on the articles above stated to amount to.....

5,950 " "

Average amount of Duties paid per annum.....£22,021 15 4

(F.) STATEMENT of Furs exported from Quebec, in the year 1801, with the average Prices at which they sold in London amounting to £371,139.11.4.

Beaver Skins	179,947 lbs.	@ 15s 6d per lb.	£ 139,458	8	6
Martins	24,454	@ 8s 6d each	10,291	13	6
Otters	21,837	@ 28s 6d	31,117	14	6
Minks	10,689	@ 4s 6d	2,405	"	6
Fishers	5,422	@ 7s	1,897	14	"
Bears	25,299	@ 55s	69,572	5	"
Foxes	19,290	@ 18s	17,361	"	"
Deer	227,205	@ 6s	68,161	10	"
Raccoons	92,345	@ 3s 4d	15,390	16	8
Cas'd & open Cats	18,704	@ 10s 6d	9,819	12	"
Elks	1,140	@ 18s	1,026	"	"
Wolves	2,875	@ 17s 6d	2,515	12	6
Wolverines	1,252	@ 10s 6d	657	6	"
Badgers	219	@ 10s 6d	114	19	"
Kit Foxes	9,130	@ 1s 8d	760	16	8
Seals	1,505	@ 6s 6d	489	2	6
			£371,139	11	4

No. 2.—JOHN RICHARDSON TO H. W. RYLAND.

(*Canadian Archives, Series Q., Vol. 293, p. 230.*)

MONTREAL 21st October, 1802.

SIR,—I am sorry that the pressure of business at this season should have put it out of my power to have the honour of returning sooner an answer to your letter of 30th September, requesting (by desire of His Excellency the Lieutenant Governor) Information as to the number of persons employed in the Upper Country Trade, in order to form a more correct idea of the object brought forward by the Grand Jury in their presentment at the last term of the Court of King's Bench, and thereby be the better enabled to represent its magnitude and importance to His Majesty's Ministers.

As the object of that presentment related only to the situation of persons employed in that part of the Upper Country, or Indian Trade, carried on from hence to places within His Majesty's Dominions, beyond but adjoining to the Province of Canada, and usually denominated the North West, where the evil complained of, and requiring a speedy remedy is felt, viz. the want of a jurisdiction on this side the Atlantic, competent to the trial of Crimes and Criminal Offences there committed, I presume that it will be complying with His Excellency's wishes, to confine myself to that alone, and not to enter into matters which concern the Indian Trade carried on to countries within the limits of the United States, where similar complaints do not exist. The nature and extent of the Trade to the North West will be much better understood by referring His Excellency to the very explicit account and description thereof contained in Sir Alexander Mackenzie's Voyages, than by anything I could state. The Trade to that country is carried on by two distinct concerns commonly called the old and new companies, the former of which had existed for many years but expired in 1798 and was renewed by part of the members; and the latter commenced about the same time, in its distinct capacity; but it is to be observed that as several of the new concern had formerly an interest in the old concern, so in fact the original or general company, which carried on the Trade, has branched off into two Companies of about equal date; to each of which many new members have been added, and are adding, but in compliance with the common Custom, I shall denominate the one the old, and the other the new company, because the former comprehends a greater number of the old partners than the latter does.

The new Company, upon the commencement of its operations, was viewed by the other with a Jealousy and Rancour improper in the Subjects of the same Empire, pursuing a legal and open Trade, to entertain, which annually increasing, it became evident that the new Company had to expect every obstacle which the old could throw in their way.

Had these obstacles been such as a fair and honest emulation and exertion could interpose, there could be no right to complain; but the new Company have to contend against those of the most serious and aggravating nature, amongst which are the following. The most false and malicious impressions have been made upon the minds of the Indians regarding them, whereby the lives of their associates, clerks and servants, with the property in their charge are endangered. The Indians have been stimulated to commit actual pillage, and to fire upon Canoes of the new Company. Attempts have been made to debauch and entice away their clerks and servants, in some cases with effect, and a clerk so debauched from *their service* afterwards employed treacherously to impose upon other persons *therein*, who were then ignorant of such Treachery. The property of the new Company has been pillaged and stolen in the Interior Country, in some cases by some of the Associates, Clerks and servants of the old. Their property has been destroyed by underhand acts.

These are severe charges but strictly true, and the dignity of Government as well as the safety of many of His Majesty's Subjects requires that means should be fallen upon to prevent a Recurrence with impunity of such illegal acts from any quarter. The attempt to pillage having in one instance met with a determined Resistance was attended with fatal effects, and more particularly led to the presentment of the Grand Jury upon general grounds, as to the evil consequences of the want of a Criminal Jurisdiction extending to the Country where that fact happened, having found themselves incompetent to enter upon a legal enquiry into such particular fact. The circumstances alluded to was this. A Clerk of the old Company, confiding in his superior strength, and accompanied by servants, insisted upon taking from a young man, a Clerk of the new Company, without assistance, some Furs, which he had previously received in payment from an Indian. The young man remonstrated against the Injustice, and warned the other of the consequences, as he was determined to protect the property in his charge, at all hazards. The other still persisted, and laid hold of the Furs, to take them by force, when the clerk of the new company fired and killed him, whilst in the act of what he considered Robbery. Similar cases may lead to similar effects. Retaliations may become frequent. Force may generally prevail over Justice. The consequences may be dreadful to contemplate, and the Fur Trade must in the end be annihilated, if a competent Jurisdiction is not established in the Canadas, for the Investigation of Crimes and Criminal Offences committed in the British part of the Indian Country, beyond their limits. The young man who killed the other came down with an Intention of meeting the Laws of his Country, but the fact being not cognizable here, he remains in the deplorable predicament, that neither his Innocence nor his Guilt can be legally ascertained. The number of persons from Lower Canada employed in the Trade to the North West, who winter there and therefore are affected by such want of Jurisdiction, may be estimated at from 1200 to 1400 annually, whereof about two-thirds are in the employ of the old Company and about one-third in that of the new. It may therefore be assumed as a humane and just principle, to assign to the Tribunals here, the cognizances of the Offences which may be committed in situations above said, in all cases where the party accused is associated with, or in the employ of persons resident within Lower Canada. It would also have a material tendency to promote order, and impress the persons employed in that Trade, with a Respect of the Laws, if a Military Post was established at Thunder Bay in Lake Superior, it being the intended Depot of the North West, and to which place the greater number of the men employed in the Interior will annually come, and there meet the Canoes going from Montreal, and if a Civil Magistrate could also be appointed to reside there the consequences would be highly useful in aid of the more extended Jurisdiction of the Tribunals of the Canadas. But I think that the Civil Commission there should be held by a person distinct from that having a military one at that post. And further

it would be expedient and wise, to require from the principal of the present Companies, and of every other, who may hereafter trade to the Indian Country within the British Territory beyond the limits of this Province, Bonds of an adequate pecuniary amount, to become responsible for the good conduct of their Associates, agents and servants in that Country, and conditioned, that upon complaint being duly made upon oath, before a Magistrate against any person in their employ for Illegal Conduct, that the principals (upon being thereunto required by the Governor, Lieutenant Governor, or person administering the Government, after communication to him made of the said oath) shall bring down the person complained against, in order that the Facts alleged may be enquired into and investigated by the proper Tribunal, and if found guilty, that such person (besides undergoing what the Law shall inflict) be for ever after prohibited from returning to the Indian Country; but if he shall be found to have been wrongfully accused, then the principals of the person or persons upon whose complaint he shall have been brought down, be subjected to a pecuniary penalty, exclusive of the Recourse which the accused may have in such case by action at Law, against the parties who wronged him.

In attempting to comply with His Excellency's Request as contained in your Letter, I found it impossible to confine myself to a statement merely of the number of the men employed without going into some detail of the causes of complaint which exist, and which had a material connexion with the subject, and with that Instance, which having much occupied the public mind, as above mentioned, led to the presentment of the Grand Jury, I trust that in this exposure of existing evils, and in the attempt to suggest some Remedies for them, His Excellency will see that there is an anxious desire to bring about an adequate controul against abuse of every kind, from whatever quarter it may proceed.

In regard to the past, the new Company have in their favour at least this *prima facie* argument independent of facts capable of proof, that being in extent of numbers only as one to two of their Opponents, they have not had the power to commit abuse, were they so Inclined. Whereas the other Company having unquestionably had the power, the effects thereof have been but too severely felt by the new Company.

I have the honour to be with Respect, Sir,

Your most obedt & very Humble servant

JOHN RICHARDSON,



NOTE F.

PROPOSED GENERAL FISHERY AND FUR COMPANY.

No. 1.—SIR ALEXANDER MACKENZIE TO LORD HOBART.

(*Canadian Archives, Series Q., Vol. 90, p. 37.*)

NORFOLK STREET 7th Jan. 1802.

MY LORD,—In obedience to Command, I have now the honour of transmitting to Your Lordship, inclosed, a Project of "Preliminaries to the establishment of a permanent Fishery & Trade in Furs &c in the interior & on the West Coast of "North America"—expressive of the result of my experience & deliberation on that great National object.

It will require some management to mediate the Coultion of the two Companies at Montreal in such a manner as to fix the System of Enterprise necessary for carrying the combination of the Fishery and Fur Trade into effect, as some of the oldest members are likely to prefer continuing in the Beaten track. Let such be at full liberty to do as they please; but if Government should think fit to confide to me the *licences* in question for the behooff of such as shall accede, & at the same time to recommend it to the Governor of Canada to countenance me in my endeavours to bring it about, as a measure which has the sanction of, & will be protected by Government; I have not the least doubt of succeeding with all those, whose *personal* exertions are essential; indeed, infinitely more essential than the Capital of the others, since the former can only be replaced by Juniors successively growing up in the Service, during a period of six to ten years; whereas the latter, and any larger sum that may be found to be necessary or employed to advantage, can be raised at any time by recurring to London, and might be raised in London before my departure, were it not thought that those already in trade at Montreal ought to have the preference, and others only the accession to it.

I intend to embark on my return to America, towards the end of the Month; and if there is any service, which I may be deemed capable of there performing, it will give me pleasure to take charge of it.

I have the honour to be, My Lord,

Your Lordship's Devoted & most faithfull Hble Servant

ALEX. MACKENZIE.

Enclosed.

PRELIMINARIES

to the Establishment of a permanent British Fishery & trade in Furs &c. on the Continent & West Coast of North America.

(p. 39.)

Articles

1.

To form a supreme Civil & Military Establishment, on the centrally situated and Navally defensible Island of Nootka, at King George's Sound Lat. 50° North, with two subordinates, one in the River Columbia late 46° & the other on Sea Otter Harbour Lat. 55 North.

7a—10½

Observations

1.

Priority of occupation vesting sovereignty in the possessor, no time to be lost.

Vide Treaty with Spain of 1790.

2.

Either to repeal so much of the Acts of Parliament now in force, as vest in the East India Company or South Sea Company jointly or separately, an exclusive Right of Fishery Trade & Navigation, in the Pacific Ocean & on the West Coast of North America;

or

to obtain from both or either of those Companies, a *Licence* irrevocable and unlimited, there to Fish Trade and Navigate in their or its Right and to Establish Factors, or Agents at Canton in China and any other Port, or place within the limits of their Charters, for the Direct Sale & Barter of the Exports & Imports, from & to the West Coast of North America, to & with the people of China & others, there residing or trading at the time; as fully & freely as both or either of these Companies might do, if they themselves carried on the said fishery trade & navigation; namely, during the yet unexpired term of their charters; and those Charters not to be renewed, but either with the entire exception of the said Fishery Trade & Navigation; or under a legal obligation to continue the Licences now to be granted for the whole term of their duration.

3.

To obtain from the Hudson Bay Company, If it has legal power to grant or refuse it, a *Licence of Transit*, irrevocable and unlimited; for all Goods Wares & Merchandise, the growth, produce & Manufacture of Great Britain & of America, in & outwards, through all the Seas, Bays, Ports, Rivers, Lakes and Territories, within the Limits of its Charter, in their passage *directly between Great Britain & North America*, without being subject to any visitation or Search nor to any duty or charge, to which those of the Company itself are not liable; the Consignee, say the Resident agent at York & Churchill Factories, or Conductors of every transport delivering to the Governor, or other officer representing the Company in chief, at the first Port or place of Entry into the limits or jurisdiction of the Company a Manifest of the Marks, Numbers & Contents of the several packages, Chests &c. upon oath to be administered to him by the said Governor or officer in chief, who, within twenty-four hours after such Manifest has been

2.

On the ground that neither of these Companies have exercised this Fishery & Trade, and that the East India Company is under a legal obligation to Grant such a Licence, unless cause to the contrary, allowed to be good by the Board of Control can be assigned.

V. Act of Par. 33 Geo. III, Ch. 52, sec. 78.

On the ground that as the returns of this Trade are not realizable in less than three or four years, no body of men capable of carrying it on to the advantage of the Nation, will embark in it, unless thus assured of its permanency.

3.

On the ground that the Right of transit between the Mother Country & her Colonies, through her own proper Territory & Colonies, is an Attitude of sovereignty, neither surrendered, nor meant to have been surrendered to the Hudson Bay Comp'y according to its Charter, the exercise of which is not deniable on any principle of Political Economy; while it is necessary, and would be highly beneficial, as being the shortest way to & from Countries without its limits for the purpose of facilitating the intercourse between Great Britain & these Countries, in the Exchange of the Manufactures of the former for the raw products of the latter.

to him tendered shall return the same to the said Consignee or Conductor, indorsed with his Visa & Signature, under the seal of the Company, to serve as a passport, producible at every, but not questionable by any other station of the Company, commonly called Trading Houses, interiorly or exteriorly by any Governor or other officer or servant of the Company within the limits of their jurisdiction.

4.

To grant these Licences to a Company of British Merchants, to be established in London under the name of "The Fishery & Fur Company" which Company for the purpose of combining the Fishery in the Pacific with the Fur Trade of the Interior from the East to the West Coast of the Continent of North America, would at once equip Whalers in England, & by means of the establishments already made and in activity, at Montreal in the East & advanced posts & Trading Houses in the Interior towards the West Coast to which they might be extended & where other establishments to be made at King George Sound Nootka Island, under the protection of the supreme Government; & on the River Columbia and at *Sea Otter Harbour*, under the protection of the subordinate Government of those places would open & Establish a Commercial Communication, through the Continent of North America between the Atlantic & Pacific Oceans, to the incalculable advantage & furtherance both of the Pacific Fishery & American Fur Trade of Great Britain, in part directly & in part indirectly through the Channel of the possessions & Factories of the East India Company in China &c., it being perfectly understood, that none of these Maritime or inland Establishments shall be made on territory in the possession of any other European Nation, nor within the limits either of the United States of North America or of the Hudson's Bay Company.

4.

There are at present, *vide* Mackenzie's Voyages, two Companies at Montreal, engaged in the North American Fur Trade, both of which are chiefly composed of men, who by personal exertions, no less hazardous than laborious & persevering, have contributed to the extension of it into formerly unknown parts; and who, if not the only men able to extend it to the Pacific, are at least the most likely to succeed, as the best qualified to undertake it. These Companies have not heretofore had any idea of embarking in the Pacific Fishery, but if they should succeed in combining the Fur Trade of the East with that of the West they would find it highly beneficial to combine the latter, if not both, with the Whale Fishery, and in so far as they may not be possessed of a Capital sufficient for carrying on both the Fishery & Fur Trade, they would be at no loss for Partners in London who would raise the deficiency.

The Whalers might carry out from England all the British articles Saleable or rather barterable for the furs and other Products of America, & bring back such part of the latter as would best suit the British Market; while other vessels of such a size & construction as may be found best adapted might be employed to carry the samples to Canton & such other of the Settlements of the East India Company, as offer the best Market, in the way either of Sale or Barter.

But as it is obvious that the two Companies already embarked in the Fur Trade from Montreal, including their several connections in London, must find their interest in coalescing, may that the great national object in view, in the first instance, if not wholly unattainable without, will at least be best attainable through, a voluntary connection & consolidation of the two Companies into one for such a number of years & on

such other terms as they may agree upon; so is there not the least reason to doubt; That under such Licences 1st of Fishing Trade & Navigation & 2nd of Transit, they would unite themselves & succeed equally to their own proper & to the public advantage.

LONDON 7th January 1802

ALEX. MACKENZIE.

No. 2.—SIR ALEXANDER MACKENZIE TO JOHN SULLIVAN.

(*Canadian Archives, Series Q., Vol. 293, p. 225.*)

MONTREAL 25th October, 1802.

SIR,—My Lord Hobart having done me the honour at parting, to express a wish of hearing from me, on this side the Atlantic, I take the liberty of addressing you, enclosing copies of two papers, which, on the substance of which, I presume will be transmitted through the Lieut. Governor, tho' not perhaps immediately, and which I beg leave to request, that you will please with this to lay before His Lordship. The papers will explain themselves, and I am sorry to say shew that I have not succeeded; as also evince the improbability of my being able to succeed in bringing about the union between the two Fur Companies which my Lord Hobart so strongly recommended to me as the first step towards the accomplishment of my favourite project: Without the aid of Government, by granting the Licences (I had the honour of proposing) to one of the contending parties, with the condition that the other party should have the option of sharing, in the proportion of the Trade they might be carrying on, to that part of His Majesty's Dominions, I see no means of bringing about a coalition, for several years to come, by which time the Trade may be reduced if not ruined, and the opportunity of making the Western Establishment lost perhaps for ever.

I have conversed with General Hunter upon the subject and though averse to Monopolies of any kind, he agreed with me that no mode would answer to carry on that trade to advantage & to make the proposed Establishments, but through a Chartered Company. I had no promise from His Excellency that he would communicate this his opinion to His Majesty's Ministers.

As so little probability exists of bringing about in a reasonable time a Voluntary Coalition of the two Fur Companies, may I be permitted to submit to His Lordship's consideration, the expediency of securing at all events in a National point of view the means of hereafter giving efficiency to the favourite project alluded to, or any other which Government may think it eligible to countenance, by forming an immediate Military Establishment upon the Western Coast of North America, so as to prevent other nations anticipating us in an object, the importance of which cannot at present be foreseen in all its consequences.

And further I cannot too strongly entreat His Lordship's attention to the propriety & necessity of establishing as speedily as possible such a jurisdiction as shall prevent the contending Fur Companies from abusing any power which superiority of numbers or strength may accidentally confer, and which shall seem to each, the fruits of fair harvest and industrious exertion.

A jurisdiction possessing such efficient Judicial Control, besides having the most beneficial effects in general, might also be a means of promoting a speedier Voluntary Coalition of the Companies, by preventing a recurrence of those causes of increasing animosity which tend to keep them asunder.

It will not escape His Lordship's penetration, that in any Legislative interference upon the subject, it will be essential to avoid everything which could be

construed to confer upon the Hudson's Bay Company a Parliamentary sanction in regard to their doubtful charter, or which could give them the right of checking commercial enterprise from this quarter by the usual inland routes into any Territory which Traders from hence have been accustomed to occupy; although the same may nominally be included in the limits of the said Charter.

I had the honour of remarking to my Lord Hobart that an attempt had been made by one of the partners in the old Fur Company to penetrate in a more Southern direction than I did to the River Columbia in which he failed through ill health; a second attempt has been made by another partner of the same concern with no better success, owing to a mutiny of the men employed, arising as I judge from the want of an appropriate Talent for such an undertaking in the leader. I have been credibly informed that the Astronomer who went upon both expeditions declares positively that the object is not impracticable.

The communication to the Lieut. Governor through Mr. Ryland is clearly and decidedly the sentiments of the principal people of the new company of whom Mr. Richardson is one & a most valuable, active & respectable Magistrate of this City.

I have the honour to be with much respect,

Your Devoted and faithful Humble servant

ALEX. MACKENZIE.

(For enclosures, "John Richardson to H. W. Ryland" see Note E, No. 2 and "Presentment of the Grand Jury of Montreal," Note E, enclosure B.)

STATE PAPERS—LOWER CANADA.

LIEUT. GOV. MILNES AND MISCELLANEOUS—1800.

Q. 85.

1795.
January 5,
Quebec.

Abstract of warrants for the civil expenditure of Lower Canada, for the year ending on this day. Page 177

1799.
October 23,
Montreal.

James McGill, Edward W. Gray, Simon McTavish and John Richardson, a committee to receive and remit the voluntary subscriptions for prosecuting the war, to James Phyn, John Fraser and Lawrence Brickwood, constituting them agents to receive and apply the remittances. The subscriptions amount to £4,063 16s. 4d. sterling, of which the sum £3,568 8s. sterling is remitted. 321

Enclosed. Resolution of the subscribers appointing a committee. 323
List of subscribers' names. 3241800.
January 6,
Holly Grove,

George Rose to King (?) Sends a request from Thomas Dunn, which he thinks moderate, and asks for his (King's) good offices for its attainment. 318

Enclosed. Thomas Dunn to George Rose. Asks for his good offices to obtain twelve months' leave of absence. 319January 31,
Quebec.

Ryland to King. Asking that an order may be obtained to continue the usual barrack allowances to the Governor or Lieutenant Governor of Lower Canada, to their Secretaries and Aides-de-camp and to the clerks in the Secretary's office. This has been ordered by General Hunter, but it is desirable to have it put on a more certain footing. Calls attention to the Indian Department in Upper Canada being entirely under the control of the Lieut. Governor. Whilst in Lower Canada it is under the commander-in-chief, so much so, that Dechambault, Deputy Indian Superintendent, was dismissed on accepting the office of Provincial Aide-de-camp (though the two employments were perfectly compatible) and the office given to an officer in the Canadian volunteers, whose regimental duties do not permit of his executing those of superintendent. 328

March 8,
Quebec.

Rev. J. Bentick to same. Sends copy of the Lieut. Governor's speech to the two Houses of the Legislature and copies of their answers. 330

Lieut. Governor's speech (English, 335; French, 339). 335, 339

Answer of the Legislative Council. 331

Answer of the Legislative Assembly. 343

June 9,
Quebec.

Ryland to King. Arrangements for provisions, &c., that will require to be made when the management of the Indian Department is transferred to the Lieut. Governor. 362

June 22,
Lincoln.

Bishop of Lincoln to same (?) That on his visitation he has been trying to find two clergymen suitable for Canada, and is not without hope he has succeeded, both are curates, one Rudd, a married man of 25, at Grantham, the other Sanders, single, about 28 or 29. Before deciding they wish to know the income as curates and the chances of promotion; where they are likely to be placed in Canada; what allowance will be made for the voyage or for books, &c., it may be right to take to Canada. Any further information would be useful. They have no private fortune or friends who could advance them money.

June 26,
Bank of Eng-
land.

A. Newland to Portland. Has received bill for £2,942 11s. 1d., as a voluntary contribution from Lower Canada. When paid a certificate shall be transmitted. 348

1800.
July 6,
Brooksworth. Rev. James Sutherland Rudd to King. That he intends to accept the appointment in Canada. Desires to know the arrangements made. Page 360
- July 7,
Quebec. Bishop of Quebec to Portland. His gratification that he has in some measure anticipated His Grace's wishes as to the selection in Canada of young men for the Ministry. The training and character of Dr. Stuart's son. Had ordained him and Mr. Jackson, a schoolmaster from England, who had been preparing for some time for ordination. Mr. Stuart to be placed at York, all expectation of the return of Mr. Raddish being relinquished. Mr. Jackson to be evening lecturer at Quebec. Sees no immediate prospect of supplying the wants of the Church by a further selection of persons for the sacred office, few of those born here being so educated as to fit them for the office and still fewer of those who come to settle. Nothing effectual can be done till better means of education are obtained. Without this not the Church only but the State will be very ill supplied with persons of competent ability and education. Considerations on this subject had been submitted to the Council. 374
- July 20,
Grantham. Rev. J. S. Rudd to King. Had been informed by the Secretary of the Society for the Propagation of the Gospel that his (Rudd's) appointment had not been communicated to the Society. The certificates required, &c. 363
- July 22,
Gower Street. Dr. Morice to same. The trouble that might have been saved to the Society had Mr. Rudd's appointment been communicated. Has no doubt he will be allowed a salary; he seems to be a proper man. Another clergyman in Deacon's orders had been brought but had not appeared before the Board, which has some doubt of accepting his services. 366
- July 31,
Bank of England. Newland to the Duke of Portland. Sends certificate of receipt of £2,942 11s. 1d. Voluntary contributions from Lower Canada. 368
- August 4,
Sheffield. J. Wilkinson to King. Asks for information as to the conditions on which clergymen are required to go to Canada, on behalf of a young man who is desirous to go there as a missionary. 369
- August 6,
Austin Friars. P. & H. LeMesurier to same. Applications on behalf of Philip Robin who has sent a memorial on the subject of raising hemp in Canada. Character of Mr. Robin; the necessity of Government help owing to the length of time it takes to have a pecuniary return from the cultivation of hemp. Mr. Robin has £10,000 to invest in the industry if he receives encouragement, but all the arrangements must be made with the British Government, as he does not wish to be involved with conflicting interest in Canada. 371
- August 7,
Quebec. Milnes to Portland (No. 29). Sends Naval Officer's returns of vessels entered and cleared at Quebec, between 5th April and 5th July. 1
- August 8,
Quebec. Same to same (No. 30). In consequence of reports respecting the crops and grain remaining for sale, has referred the subject to the Council with a memorial from the principal merchants; encloses report of Council, &c. Has recommended the sailing of the convoy on the 20th instant. Favourable prospects for the harvest. 2
- Enclosed. Order of reference on the memorial of merchants. 4
- Report of Council on the same. 6
- August 12,
Quebec. Same to same (No. 31). St. Maurice Forges leased to Monro & Bell for five years at £850 currency a year. Part of the King's Wharf let for 30 years at £310 a year; the other part of the wharf, with the stores reserved for military purposes, effecting a saving on the latter of £400 a year. The Forges and wharf which did not produce £20 a year may now be valued at £1,500 currency or £1,404 sterling a year. Will adopt a similar plan with respect to the King's posts, the revenues of

1800.

August 14,
Quebec.August 14,
Quebec.

which have been given up in aid of the civil expenses of the Province. The annual value of the posts he hopes to raise to £2,000 or £3,000 a year; the present lessees pay only £400. Has reason, from the election returns to hope that the House will be well composed. Page 8

Milnes to Portland (No. 32). Sends minutes of Council on State business between 28th January and 4th June, and on Crown Lands from the same date to the present day. 11

Minutes, 3rd March. Report on the petition of Johnston & Pares for renewal of their lease of the King's Wharf. 12

Minutes, 22nd March. Memorial from Monro & Bell, for prolongation of the lease of the St. Maurice Forges laid before Council; with proposed advertisement respecting the Forges; referred to a committee. 14

Report of Committee on Public Accounts with proceedings, beginning on the 19th October, 1799, with details. 15

Reports of the Grand Voyer recommending a bridge over the Montmorency; from the Grand Voyer of Three Rivers respecting the cost of mason work for a bridge over the Rivière du Loup; letter from the Commissary recommending that part of the King's Wharf at Quebec be reserved, and representations from the Magistrates of Montreal and Quebec on the breaking out of contagious diseases, referred to Committee of the Whole. 36

Accounts of the Receiver General and of the Collector of Provincial duties, with contingent claims, referred to a Committee of the Executive Council. 37

Minutes, 13th April. Statements, with schedule of Provincial revenue and expenditure laid before the Board. 38

Minutes, 24th May. Report of the Board on Provincial revenue and expenditure. 40

Report on the Commissary General's recommendation that a part of the King's Wharf should be reserved. 41

Report on the bridge at Three Rivers (p. 36). 43

Report on the bridge at Montmorency (p. 36). 44

Report respecting the St. Maurice Forges (p. 14), with correspondence and offers from Monro & Bell, and the Batiscan Iron Co. 45

Recommendation that steps be taken to erect Parsonages or Rectories in the Province according to the establishment of the Church of England. List of clergymen of that Church in the Province, signed by the Bishop. 46

Rev. Mr. Mountain Bishop's Official, Minister at Three Rivers; S. J. Mountain, Rector of the English Church at Quebec; Mr. Tunstall, Rector of Christ Church, Montreal; Mr. Doty, Minister of William Henry: Mr. Short, Minister at St. Armand; Mr. Montmollin, formerly Minister of the English Church at Quebec, and still retaining salary from Government, superannuated; Mr. Veyssiere, formerly Minister at Three Rivers, and still retaining a salary, superannuated. 53

Minutes, 28th May. Report recommending the payment of a hundred guineas each to Dr. Longmore and Dr. Jones for attending the families of the poor afflicted with late contagious fever in Quebec and Montreal. 55

Proclamation for dissolving the present and calling a new Assembly, revised and ordered to be published. 56

Minutes on Crown Lands, 14th August, 1800. Report on petitions for townships, with the result in each case, and proceedings of the Committee. 61 to 164

Milnes to Portland (private). Has received from Judge De Bonne a vindication in answer to the complaint of the Chief Justice of his non-attendance at the Courts of Justice. Asks that a decision on the case may be postponed till the documents can be sent. 165

1800.
August 14,
Quebec.
- Milnes to Portland (separate). The examination of the petitions for townships ended and report made, so that the most difficult and laborious part of the land business is concluded. Every petitioner could not be satisfied, but everything submitted to him (Milnes) has been marked by strict integrity. The principal labour has fallen upon the Chief Justice, as chairman, the Lord Bishop, Finlay, Baby, Dunn and Young. Attendance of the other members. Recommends granting a township to each of the six mentioned, for reasons given. If this is not approved of suggests granting half a township without conditions except paying the cost of survey and the old fees. Will transmit by the Fall fleet his views respecting township of which parts have been granted. Finlay and Dunn have received grants of township on the regular terms, but this should not prevent them getting the additional grant as members of the Executive Council. Page 166
- August 26,
London.
- S. Gale to Portland. Calling attention to the memorial on behalf of applicants for lands, &c. 378
(An enclosure will be found in this volume, page 354, in letter dated 7th July, page 349.)
- October 1,
Quebec.
- Ryland to King. That Lieut. Governor has received Portland's dispatches, but will postpone answering them. 175
- October 18,
Quebec.
- Memorial of Chief Justice Osgoode, for arrears of salary, having occurred owing to his removal from Upper to Lower Canada. 178
- October 18,
Quebec.
- Milnes to Portland (private). Transmits answer of Judge De Bonne to the charge made against him by the Chief Justice. The steps taken to avoid bringing on a public investigation, which would have renewed the party spirit existing at the time of his arrival. Sends register of the Superior Court for three years, referred to by De Bonne, as in his favour. De Bonne's loyal conduct. Although he was remiss in not making known to the Chief Justice the reasons for his non-attendance, yet, considering all things, contents himself with stating the particulars and writing instructions. 180
- Enclosed. Answer in (French) of Justice De Bonne, dated 13th August. 183
- Extract from the complaint of the Chief Justice. 186
- Register of the attendance of the Judges for the terms of the court held during 1797, 1798, 1799 and to April, 1800, showing the number of days Messrs. Dunn and De Bonne were absent. 188
- October 18,
Quebec.
- Milnes to Hunter. Asking if the expenses of the Indian Department should not continue to be paid in Lower Canada out of the Army extraordinaries. 223
- October 19,
Quebec.
- Hunter to Milnes. That the Indian Department is entirely under the control of the person administering the Government of Lower Canada, but the payment of the department out of the Army extraordinaries need cause no inconvenience. 224
- October 25,
Quebec.
- Milnes to Portland (No. 33). Sends requisition for goods for the Indians for the years 1801 and 1802. 191
- Requisition. 192
- October 25,
Quebec.
- Same to same (No. 34). Sends Naval Officer's returns of vessels entered and cleared at Quebec, between the 5th of July and the 10th instant. 195
- October 25,
Quebec.
- Same to same (No. 35). Transmits memorial from the commissioners for building a Metropolitan Church; the estimate of the expenses is £4,925.19.6., exclusive of articles unprovided for. The expense by the care of the commissioners has been made as low as possible. Should the sum of £400 a year allotted for the building be adhered to, it will take twelve years to complete the work. Having advanced £800 for this and last year the foundation is laid and part of the materials bought. If the representations of the commissioners is acceded to, the most essen-

1800.

tial part of the building will be completed in the course of next year.

Enclosed. Memorial of the commissioners for building a Metropolitan Church. Page 196

Abstract of the estimate for building an English Metropolitan Church at Quebec, 130 feet long, 60 feet broad and 34 feet high from the basement. 198

October 26,
Quebec.

Chief Justice Osgoode to Portland. Thanks for His Grace's kindness and for His Majesty's approbation. Had desired to return immediately to England, but would remain until next summer in accordance with the King's desire, and shall on his arrival in London wait on His Grace. 200

October 27,
Quebec.

Ryland to King. Sends copy of application from Monroe & Bell and answer, respecting arrears of salary to Sinclair, Lieut. Governor of Michilimakinak from May, 1792. The letters from Long of April, 1798, and April, 1799, relative to this subject have been taken to England by Prescott, only unattested copies have been left in the office, and it does not appear from them out of what fund these arrears can be paid, and as the pay and arrears amount to £1,400 he feels it incumbent not to advance the money. Calls attention to the fact that Dechambault's commission as Deputy Superintendent of Indians is still in force. 203

Enclosed. Application from Monro & Bell, dated 20th October, for the issue of a warrant for the pay and arrears of Lieut. Gov. Sinclair. 205

Answer by Ryland, dated 27th October, that the documents in the office of the Lieut. Governor do not justify the issuing of the warrant. 206

Ryland to Major de Salaberry, dated 4th October. That the Lieut. Governor considers the commission to Dechambault as Deputy Superintendent of Indian Affairs to be still in force, but he gives up all claim to the salary during the time he (de Salaberry) has been performing the duties of the officer on the existing condition, that £30 a year be paid to the widow of M. Lannière. 207

October 28,
Quebec.

Milnes to Portland (private). Transmits list of the Executive Councillors of Lower Canada, with note of the attendance of each. Recommends the appointment of three additional honorary members for reasons given, the three recommended being Williams, Craigie and Panet; account of the qualifications, &c., of each of them. 209

List referred to. 213

Quebec.

Names of gentlemen recommended for the Council. 215

Monk to Portland. Asks for an increase to his salary as Chief Justice. 216

October 30,
Quebec.

Milnes to Portland (No. 36). Has sent to Lieut. General Hunter the instruction that the appointment of the officers for the Indian Department in Lower Canada is vested in the Governor, Lieut. Governor or administrator; believing that no change was to be made in paying out of the Army extraordinaries, had applied to Hunter, but was answered that as Commander-in-Chief he had nothing to do with it, being now a civil expenditure. Sends list of appointments. Should no order be received to pay the salaries out of the Army extraordinaries, he would issue a warrant on the Receiver General. Desires also to be informed if he is to draw provisions and other articles from the King's store for the Indian Department. Should it be decided that the officers are not to have barrack allowance, as not being on the military establishment, trusts that they may receive an equivalent allowance. The change the transfer will make in accounts, although not in expense, will not be a great difference in the estimate of the civil expenditure. The actual

1800.

increase in this expenditure owing to the erection of gaols and court houses undertaken at His Majesty's command. The addition to the salaries of the puisne judges will be nearly made up by the increased revenues from the Forges and wharf. In consequence of the price of fuel for the use of the Chateau, &c., being stopped by the Duke of Kent, has charged the same to the Provincial revenues, and made an allowance to the persons in the Secretary's office. Page 219

October —
Whitehall.

Portland to Milnes. (No. 10). Dispatches laid before the King. Approves of his declining to interfere in the early sailing of the "Maidstone," although the want of corn was felt in Great Britain. It is a satisfaction that there is the prospect of an abundant harvest in Canada. The manner in which the leases of the St. Maurice Forges and the King's Wharf have been granted is entirely approved of as well as his intention to the public revenues. The letter transmitted to the Treasury. 170

October —
Whitehall.

Same to same (separate). Will postpone a first determination on Justice De Bonno's case, till the arrival of all the documents (see p. 165). Before deciding on the grant to the Executive Councillors (see p. 168), desires to be informed of the relative value of half a township without such condition. His Majesty will rely entirely on his (Milnes') judgment in the distribution of the proposed grants to those who have and those who have not attended the meetings of the land committee regularly. Those who have not attended at all cannot expect a share of this favour. 172

November 1,
Quebec.

Milnes to Portland (separate). His belief that the real situation of affairs in Canada is not known to His Majesty's Ministers. The foundation of the constitution must rest on the proportion between the aristocracy and the lower orders; several causes are lessening the power of the Government. 1. From the manner in which the Province was originally settled; the independent tenure on which the cultivators hold their lands, the little power retained by the seigniors, their indisposition to trade to improve their fortunes, so that they are compelled to live like the simple *habitants*, who have little connection with the seigniors except the obligation of having the corn ground at the Canal mills, the passing a toll of each fourteenth bushel, which they consider rather as a burdensome toll than as a return for the land, which is held on very easy conditions. 2. The prevalence of the Roman Catholic religion and independence of the Church, which goes further than was intended by the Royal instructions, so that the whole patronage has been thrown into the hands of the Roman Catholic Bishop. 3. The necessity which existed at the time of the conquest for disembodiment of the militia. These facts are more important since the establishment of the new constitution. Formerly an ordinance issued in name of the King of France was sufficient to enforce the execution of a measure without argument or doubt. Now measures are discussed in the House of Assembly, so that the power of the executive government may insensibly become nothing; the seigniors have not power to ensure their own election or that of any one they may support; the ignorant man, who cannot perhaps sign his name has a better chance than the first officer of the Crown and he at one time despaired of getting the Attorney General into the Assembly. The *habitants* are industrious, peaceable and well disposed, but liable to be misled by artful and designing men, and once sensible of their own independence the worst consequences might follow, as they are the sole proprietors of nearly all the cultivated lands in Lower Canada, the seigniors and ecclesiastical bodies having conceded to them for ever the greater part of the lands in parcels of from 100 to 200 acres, with conditions as to mills, &c. So that the seigniors are in many instances reduced below the situation of their vassals.

1800.

The equality of situation throughout the country owing to the mode of life of the *habitants*, little or no difference in affluence being discoverable except in the towns of Quebec, Montreal and Three Rivers. The counties are divided into parishes, the principal person in each of which is the priest and the next the captain of Militia. How the influence of the Government might be extended; it must be at some expense, but that would be little compared with the cost of quelling a disturbance. Much could be effected by means of grants of lands in free and common socage, but in the meantime much might be done through the Catholic priests and next through the Militia. The present Bishop is extremely well disposed; he has £200 a year from the Government, and the rent of the Palace for public offices, for the latter of which he has applied for an increase. His income, the Bishop states, is now inadequate for his situation and he calls upon it. An increase to this might help to attach the Bishop and the priests to the Government and to use their influence in the parishes, encourage a spirit of loyalty in opposition to the spirit of democracy, which has fortunately not made much progress yet in Canada. The population computed to be about 160,000, nine-tenths of which reside in the parishes, the Militia 37,904, with 292 captains and 16 of a staff, the latter chiefly seigniors. The powers of the Captains under a French rule, the feeling of which remains though the power is withdrawn, but they are still employed in performing services for Government with only the sense of the honour of being so employed, but this is by no means equivalent to the expenditure of the time and trouble. Suggests that by some honorary and pecuniary reward, or by some other plan, this class might be brought to consider themselves as officers of the Crown; in this way a spirit of loyalty would be diffused through the whole province, a spirit which is natural to the Canadians. Other suggestions might be made but these he will defer. In the meantime calls attention to the relative expenditure for civil and military purposes, the latter out of proportion to the former, whilst by a proper system not only would the military expenses be greatly lessened and the country secured from internal commotion, but the co-operation of the inhabitants could be secured for the defence of the country. The deficiency of the revenue on an average of the last five years amounts to £12,000 yearly; the military expense is about £260,000, which would probably be doubled in event of insurrection, or of war with the States, so that it is important to consider by what means the influence of the Crown may be increased. How a majority in the House of Assembly could be secured. The importance of the fact that the revenue does not meet the expenditure so that the deficiency is made up by His Majesty's Government. The proposal to fund the proceeds of the sales of waste lands, the interest to be applied towards civil expenditure. Calculation as to the wealth, power and influence that must accrue to the parent State when these lands are settled. The good effects of education on the rising generation, who are now sent to the neighbouring States for this purpose. The respectable footing on which the Protestant Church is about to be placed in Quebec will tend to increase the consideration which ought to prevail for the Established Church. Page 228

1800.

Enclosed. Memorandum of the total quantity of lands granted in Canada previous to the conquest, with the proportions thereof granted to the Church and Laity:—

Total..... 7,985,470.

To the Church.

Quebec Ursulines.....	164,615
Three Rivers Ursulines.....	38,909
Recollets.....	945
Bishop and Seminary of Quebec.....	693,324
Jesuits.....	891,846
St. Sulpiciens.....	250,191
General Hospital, Quebec.....	73
do Montreal.....	404
Hotel Dieu, Quebec.....	14,112
Seurs Grises.....	42,336

2,096,754

To the Laity.....5,888,716

7,985,470

Page 245

Statement of the revenues and expenditure of the Province of Lower Canada, for five years beginning in 1795. 246

November 4,
Quebec.

Milnes to Portland (No. 37). The importance of obtaining the highest price possible for the lands to be first sold; the remaining parts of the townships partially granted are of the greatest value from having been surveyed and subdivided and the vicinity settled. The competition for these should essentially influence the value of lands throughout the Province. Recommends, in reference to a dispatch respecting the waste lands, that the proceeds of the sales should be used to purchase into the Public Funds, the interest of the stock to be applied in aid of the civil expenditure of the Province. Trusts that the proposal to form out of the Executive Council, a corporation for the superintendence and management of the Crown and Clergy Reserves. Sends documents relating to the release of the King's posts, which shall be advertised for public sale on the expiration of the present lease in October, 1802. Transmits copy of proceedings of the commissioners for the Jesuit estates. They have not ascertained their exact yearly value but compute that in case will fall short of £1,500. 248

Enclosed. Memorandum by Ryland, of the proposal to form a Board from the Executive Council for the management of the Crown Lands. 251

Reference to Council of the lease of the King's posts. 252

Report by Council on the same. 254

Abstract of the proceedings of the commissioners for the administration of the estates of the Jesuits. The agents named were Michel Berthelot, for the district of Quebec, Maurice Blandeau for the district of Montreal, and Mr. Joseph Badeau for the district of Three Rivers, who were to give security for the due discharge of their office, the two first, with two securities each of whom and each of the securities in £750, and Joseph Badeau and two securities £500 each, the agents to be allowed 10 per cent on all moneys collected. The report of the proceedings, began on the 9th June and continued to the 20th October, 1800, covers 16 pages. 256 to 271

Letter submitting the preceding report. 272

November 6,
Quebec.

Milnes to Portland (No. 38). Transmits memorial from the Chief Justice of Montreal respecting his salary. In dispatch No. 19, he declined to recommend an increase. Has no reason to change his opinion. 274

1800.

Memorial of the Chief Justice.

Page 276

November 15, Ryland to King. Calls attention to the necessity of a commission as
Quebec. Vice Admiral being issued to Milnes. 275

November 22, Milnes to Portland (No. 39). Louis Couteulx, lately apprehended in
Quebec. Upper Canada, has been brought to Quebec; sends report of the
Attorney General on his case. Had written to Liston for full informa-
tion respecting Couteulx; being Hunter's prisoner will not write further
to His Grace. 278

Enclosed. Reference to the Attorney General of the case of Le Cou-
teulx. 280

Report by the Attorney General that Le Couteulx may be detained as
a prisoner of war, and that his allegation that he became a naturalized
citizen of the United States does not affect his status as a French sub-
ject. 281

November 26, Milnes to Portland (No. 40). Transmits minutes of Council on mat-
Quebec. ters of State, between the 5th of June and 10th of September. 285

Minutes, 21st July. Memorial that H.M.S. "Maidstone" may take
the grain laden vessels under convoy on the 10th of August, laid before
the Council, with returns of the exports of grain, &c., from 1792 to 1799,
and from the beginning of navigation this year to the 17th November,
documents respecting the crops, &c., all of which were referred to a com-
mittee. 286

Minutes, 28th July. Report of Committee on the reference of 21st
July laid before Council, with memorial from merchants respecting the
loss they would sustain by delay in the sailing of the convoy, with docu-
ments relating to the crops and to the stock of grain. Report on an
infectious fever prevailing in Bécancour and Nicolet, and memorial from
Purss and the heirs of the late J. Johnston, respecting the wharf erected
by Johnston & Purss referred to a committee. 287-288

Minutes, 14th August. Report of a committee respecting ecclesiasti-
cal affairs. 289

Reports respecting the sailing of the convoy. 292-293

Lease of the King's posts on the Labrador Coast and other documents
laid before the Council. 295

Minutes, 10th September. Report on the infectious fever in the
parishes of Bécancour and Nicolet. 296

Report recommending that the sum of £150 currency for arranging
records be paid to J. F. Perrault, instead of £561. 4. 8. claimed. 297

Memorial of Jervais Lambert, inspector of Sous Voyers, and of other
inhabitants of Rivière du Loup, with report of the Grand Voyer, res-
pecting the bridge over the Rivière du Loup referred to a com-
mittee. 298

December 11, Ryland to King. Encloses copy of letter addressed to Major Green,
Quebec. agent for Prescott, on the subject of the Governor's fees of office. The
Lieutenant Governor desires instructions thereon. 300

Copy of letter to Green referred to in above letter. 302

December 28, Prescott to Portland. Encloses letter from Lymburner respecting a
Hawkhurst. memorial lately forwarded from that gentleman. 304

Enclosed. Memorial from Lymburner, dated 12th April, 1800, respec-
ting the refusal of the Councillors of Lower Canada to admit him to a
seat in the Council. 305

December 30, Prescott to Portland. Encloses letter from Gale, attorney for
Hawkhurst. aggrieved applicants for lands in Lower Canada, with copy of memorial
referred to in the letter. The matters in the memorial are just and true
and the documents referred to in it were among those enclosed in No.
87 of 23rd October, 1798. Those marked E, referred to Orford and
Stukely; F, those relating to Sheffield; G, to Hatley. The whole of

R

1800.

Gale's proposals are perfectly reasonable, including the fourth prayer, of which at one time he had doubts. Favourable recommendations, for reasons given.

Page 307

Enclosed. Memorial from S. Gale, dated London, 17th December, 1800.

310

(For memorial from Gale and other documents relating to his complaints, see Q. 90, from page 47 to page 212.)

Copy of a short memorial to the Privy Council sent to Prescott, dated 28th November, 1800.

316

Additional documents.

349, 354

STATE PAPERS—LOWER CANADA.

LIEUT. GOV. R. S. MILNES—1801.

Q. 86—1.

1801.
January 6,
Whitehall.

Portland to Milnes (secret and separate). Enumerates the cases of popular influence stated in letter from Milnes of the 1st November, namely, the separate interests of the seigniors and habitants, the independence of the Roman Catholic clergy, who are accountable only to their Bishop, and third, the necessity of disembodying the Canadian Militia. With regard to the first, the only remedy is to encourage the individual Canadian gentlemen who show an ambition to emerge from their present insignificance. Is surprised at the little success in raising the Canadian Militia; had any eagerness been shown in completing the battalion a second or third of the same sort might have been raised. With respect to the Roman Catholic clergy, cannot understand why the instructions are disregarded. These are: "That no person whatever is to have Holy Orders conferred upon him or to have the care of souls, without licence first had and obtained from the Governor." The resumption of that power is of the first importance and every possible prudent means must be used to that end, and the addition to the income of the Bishop may contribute to its accomplishment. How the militia could be turned to account. At present there is no provision for calling out the force, except for two days in the year for mustering. Proposes to call a portion out annually by ballot to be exercised for three weeks or a month in such manner that all the officers and men would take their regular turn of duty. This would require the permanent pay of an adjutant to each regiment, of a certain number of non-commissioned officers, fifes and drums as in the militia of the United Kingdom. Other appointments may be made to provide for the annual exercise. He only suggests an outline of the proposed legislation most likely to establish the interest between the militia and the executive authority; if he thinks the amendments will meet the concurrence of the Legislature the sooner they are put into proper form the better. The effect of the land grants in lessening the degree of popular influence now possessed by that description of His Majesty's Canadian subjects, which now constitute so great a proportion of the inhabitants of the Province.

Page 3

January 8,
Quebec.

Milnes to Portland (No. 41). Transmits memorial from Sewell, Attorney General, with documents attached, respecting the fees of his office. Has every reason to believe that Sewell's claim is well founded; recommends favourable consideration of the claim, which does not extend to an increase of salary but only to the confirmation of what was formerly allowed. Does not, however, mean to enter into the claims of Monk or of Sewell, previous to the present memorial. The laborious duties of the Attorney General for Lower Canada, from the complicated nature of the laws. It seems hard that the emoluments of the office should not at least be equal to those of Upper which is not in any degree so laborious

1801.

and intricate. Had Monk been as moderate in his demands as Sewell, the remuneration would, no doubt, have been fixed long ago. How the fees might be settled. Page 17

Enclosed. Sewell's memorial, 28th October, 1801. 20

Case of the Attorney General of Lower Canada. 23

Commission appointing Sewell Attorney General, dated 3rd February, 1795. 36

Mandamus and commission to Monk, 21st August, 1776, and 27th May, 1779. 39, 40

Suckling's commission, 24th August, 1764. 43

Mazere's commission, 25th September, 1766. 45

Kneller's commission, 30th September, 1769. 47

William Grant's commission, 10th May, 1776. 49

Report of Committee of the whole Council, on the office of Attorney General, 29th April, 1788. 51

Report of the Committee of Council on Public Accounts, 15th January, 1780. 53

Extract from the O. dinance for the regulation of fees, 20th George III, ch. 3 (1780). 55

Extract from report of the Committee of Council on the Public Accounts, dated 20th July, 1780. 57

Extract from report of Committee of Council on the salary and emoluments of the Attorney General, 9th November, 1780. 59

Extract from another report, 27th July, 1781. 60

Letter, dated 2nd January, 1782, from Mathews, Secretary to Haldimand, addressed to the Committee of Council on Accounts, enclosing letter from the Lords of Trade relative to fees claimed by the Attorney General. 62

Letter from the Lords of Trade referred to. 63

Report of the Committee of Council on the same, dated 18th February, 1782. 64

Further report on the Attorney General's Account, dated 24th October, 1782. 66

Opinion, dated 2nd June, 1784, of the Committee of Council that the Contingent Accounts of the Law Officers should be taxed by the Judge or Judges of the Courts where the business has been done. 68

Monk to Thomas Dunn, one of the Commissioners for executing the office of Chief Justice, dated 28th October, 1784, remonstrating against the delay in payment of his fees. 69

Answer, same day. 70

Resolution of the Council, 26th May, 1785, to allow Monk the fees charged. 72

Memorial of the Attorney General referred to a Committee of Council, 14th February, 1788. 74

Report of the Committee, 29th April, 1788, on the claims of the Attorney General for fees of office. 75

Extract from Minutes of Council, 20th January, 1790, that payment to the Attorney and Solicitor General had been deferred until His Majesty's pleasure be known. 78

Proceedings of Council of 21st and 28th and report of 21st January, 1799, respecting Attorney General's claims. 79 to 82

Account between Government and the Attorney General (Sewell), from 1795 to 1800. 83

Green, Military Secretary to Sewell, 7th October, 1800. That the salary of the Attorney General of Upper Canada is £300 and enclosing his account, audited to show the scale of fees. 86

Account referred to. 87

1801.

January 10,
Quebec.

Table of fees which the Attorney General considers would be reasonable. Page 90

Speech of the Lieut. Governor at the opening of the Legislature. 118

Answer of the Assembly, dated 12th January. 123

Answer of the Council. 128

(The Journal of the Assembly printed in English and French forms part of the Archives.)

January —
Whitchall.

Portland to Milnes (No. 11). Dispatches received and laid before the King. In order that the commissioners may proceed in building the Metropolitan Church at Quebec without interruption, he may authorize the expenditure of such sum as may be necessary above the £400 already specified as the annual allowance, but the Protestant inhabitants are expected to contribute as far as their means may allow. General Hunter shall be informed that it is not intended to make any change in the method of defraying the expense of the Indian Department in Lower Canada. The object of placing it under the civil authorities in each Province is to reduce the expense by subjecting it to more minute attention. The allowance to the officers should be reduced in both Provinces as low as circumstances will admit. Approves of his proposal of selling the residues of townships in which grants have been made at the highest price possible; the steps to be taken to effect this. The amounts remaining after expenses for public services, &c., are to be remitted to the Treasury for investment. All the price to be paid before a patent issues for the lands. The constitution of a Board for the management of the Crown and Clergy Reserves; how the revenues should be remitted to be invested in the Funds for the public service of the Colony in so far as regards the former and in accordance with the Act for the appropriation of the latter, the accounts of each to be kept entirely separate, the Clergy Reserves being exclusively appropriated for the support of a Protestant clergy, and must therefore be vested in trust for that purpose. Sends report received from the Executive Council on the terms on which it was considered expedient to dispose of the Crown Reserves, in which report he perfectly concurs. Orders have been sent by the Admiralty to the Naval Commander at Halifax to send a frigate to convoy the trade from Quebec to England. 10

February 23,
Quebec.

Milnes to Portland (No. 42). Transmits reports from the commissioners for managing the Jesuit estates. The first (A) shows the revenue in 1781 to have been £1,245 5s. 4d., exclusive of property in Quebec and Montreal; the second (B) that it had increased to £1,358 13s. 4d. The property is capable of great improvement, and there are 500,000 acres of unconceded lands, but these are in general 20 leagues in depth and not more than one or two leagues in front, great part running into a mountainous country and not likely to be conceded for a long period. Does not now, therefore, think that the measure for the division of the property, which he proposed, would be beneficial. If it is determined to carry into effect the proposal in respect to Lord Amherst, the moment is particularly favourable, but it will be always an unpopular act and create much dissatisfaction. His Majesty's intention to establish free schools has been made public in his (Milnes') speech and has had the happiest effect in setting aside all reference to the Jesuit estates. The Assembly is preparing a bill to second the views of His Majesty, to authorize the erection of schools in the parishes to be under the control of the Executive Government. Should the Roman Catholic clergy not use their influence against the proposal, it will probably be adopted, but they seem to have hitherto discouraged the introduction of learning into the Province. The buildings and town lots in Quebec and Montreal, to be reserved for the Crown may be considered as more than an equivalent

1801.

for the expense attending the first establishment of free schools. This is shown in enclosure C, in which the Jesuit College at Quebec, now in possession of the military, is mentioned as being sufficient to afford barrack room for from 1,500 to 1,800 men, besides store room for immense quantities of provisions. The Canadians must consider themselves as cut off from all hope of seeing that building restored to its original purpose, so that by the declaration of the intention respecting the establishment of free schools, the hope of an adequate advantage is held out. Shall refer to the Council the question of the quantity of Crown lands it may be necessary to reserve for education, and transmit their report.

Page 94

Enclosed. Plan of the Jesuit estates in the Province of Quebec. 98a
Reports of the commissioners, with tabular statements. 100 to 117

February 23,
Quebec.

Milnes to Portland (No. 43). Calls attention to the absence of Joseph Bunbury, drawing the pay of Deputy Agent for Indian affairs at Montreal, though he has been absent since 1799. Reports the office vacant and recommends the appointment of Lieut. Colonel Dechambault deputy superintendent of the Abenaki and St. Francis Indians, and the appointment to that office of Major de Salaberry. In hope of these being approved of will issue commissions so that the business of these departments may be transacted. 132

February 24,
Quebec.

Same to same (No. 44). Dispatches received. Shall take steps to recover from Finlay the balance due to the General Post Office, but is afraid there is not property sufficient to meet the demand against him. Sends estimated value of the waste lands as a guide to the proportion of land to be granted to the members of the Executive Council. A township of ten miles square, after deducting expenses of surveying, &c. (enumerated) has an estimated value of something under £2,500. Explains how the regulation respecting grants to associates was set aside by underhand means, which it would be below the dignity of an Executive Councillor to enter into; recommends, therefore, that any grant should be made to the members of the Council solely and not with associates. 134

March 17,
Quebec.

Same to same (No. 45). Calls attention to the case of Michel Kiathérati, an Indian convicted of murder in March, 1799, and sentenced to be executed on the 22nd of that month, but respited by Prescott, till the King's pleasure should be known. Recommends him to clemency. 137

March 26,
Quebec.

Same to the same (separate and secret). His fear that the unanimity of the Council will be destroyed, as he can no longer depend on the candid co-operation of Chief Justice Osgoode. His (Milnes') conciliatory conduct towards Osgoode, until he had assumed a deportment and manner pointedly disrespectful, and afterwards violently to oppose a measure of great importance to the Province. His conduct in part arises from the refusal to dismiss Judge De Bonne, whose conduct since complaints were made has been satisfactory. Osgoode's desire to be the sole adviser and promoter of every Government measure and the offence he takes at other members being listened to. He has now thrown off all decorum and shown his hostility to his (Milnes') administration. His refusal to assent to the means proposed is not considered reprehensible, but his conduct in respect to it is so. Enters into details in relation to the bill respecting Court House on which the difference with Osgoode has arisen, a bill which was satisfactory both to the Council and Assembly and points out the awkwardness of the Lieut. Governor's position in view of the procedure of the Chief Justice. 142

April 10,
Quebec.

Same to same (No. 46). Enters into an explanation of his course in relation to appointments in the Indian Department in answer to the Duke of Kent's representation that these are subject to the patronage

1801.

April 16,
Quebec.

of the Commander-in-Chief. Gives reasons for the appointments he has made of Dechambault and de Salaberry. Page 132

Milnes to Portland (No. 47). Sends abstract of bill relating to *lods et ventes* and report on the subject from the Attorney General, the latter sent in consequence of the opposition and protest of Osgoode. Agrees with the Attorney General that it is not only a matter of sound policy, but that the bill is a material step towards abolishing the feudal tenure in the Province, as will be found fully explained in the report of the Attorney General. The *lods et ventes* are due to the King by only a few, whilst they are paid to the seigniors and the two Seminaries of Quebec and Montreal by 99 out of every 100 persons, any tax which the Crown might seek to raise on the whole body of the people might have been deemed unjust, so long as the *lods et ventes* due by the seigniors and Seminaries remain unclaimed. Has heard no indication that the measure is unpopular and besides it originated in the Assembly and not in the Executive Council. Dorchester's message giving His Majesty's sanction to this interference. The respectable character of the Commission under the Act. It is expected that a bill will be introduced next session to commute the *lods et ventes* in His Majesty's censive, which it is hoped will be followed by a similar commutation as it will render it necessary for the House to raise this sum leaving the territorial revenues free to be used for the general expenses of the Province. 157

Enclosed. Abstract of "Act for the relief of persons holding lands or immovable property of His Majesty *en roture* in which *lods et ventes* or mutation fines are due." 163

(The Act itself is in the third volume of the Statutes, 41 George III. (1801), chapter 3.)

Chief Justice Osgoode's protest. 172

Report of the Attorney General, dated 4th April, 1801. 175

Account of the Provincial revenue of the Crown from the beginning of the new Constitution to 10th January, 1794. 193

Extract from the Journal of Assembly of 26th January, 1801, with resolution to take up Message of 29th April, 1794, in so far as it relates to casual revenue, that of the domains and the *lods et ventes* and *quints* due to His Majesty. 197

Answer by Members of the Council to Osgoode's protest. 199

Milnes to Portland (No. 48). Giving an account of the irregular conduct of Osgoode in relation to the resolution to prepare a *papier terrier* (land roll) of the immovable property held *en roture* within the censive of His Majesty's domain, with accompanying documents. 205

Enclosed. A.—Address of the Assembly for the preparation of a *papier terrier*, ordered to be presented. Referred to the Attorney and Solicitor General. 211

B.—Report of the Attorney and Solicitor General. 212

C.—Order of reference in the Council respecting the legal course to be taken for the confection of the *papier terrier*. 215

D.—Report of a Committee of the whole Council on the means proposed by the Attorney and Solicitor General for the confection of the *papier terrier*. 217

(For continuation of list, see Q. 86-2.)

Portland to Milnes. His dispatch (No. 42) relative to the Jesuit estates, transmitted to the Privy Council. Appointments of Dechambault and de Salaberry (No. 43, p. 132) approved of. In consequence of the calculation of the value of lands (Nos. 44, p. 132) the six councillors who have been constant in their attendance at the meetings of the Land Committee are each to receive quarter of a township without associates. It is left to his discretion to decide what share should be allotted to Mr. McGill and

June 6,
Whitehall.

R 1.

November 4,
Quebec.

Mr. Lees and if any to the other councillors. His Majesty has been pleased to pardon Michael Kiatherati. Page 139

(For date (the day being left blank) see page 138.)

Extract of letter from Milnes to Portland (No. 37) calendared in vol. Q. 86, p. 248, that the yearly value of the Jesuit estates has not yet been exactly ascertained. 2

LIEUT. GOV. R. S. MILNES—1801.

Q. 86-2.

1801.
January 8 to
April 8.

Journals of the Legislative Assembly, being the first session of the third Provincial Parliament. Page 353 to 458

Journal of the House of Assembly for the same period; title only. 459

The Provincial Statutes of Lower Canada; title only. 460

(The Journal and Statutes, being among the Archives in printed form, are not copied.)

May 15.

Continuation of papers relating to the *papier terrier*, &c., in Milnes' letter No. 48, dated as in margin E.—Copy of writing attached to the report of a Committee of the whole Council respecting the legal course to be taken for the confederation of the *papier terrier*, &c. 219

F.—Minute of Council respecting the legal course, &c. 221

G.—Report of a Committee of the whole Council on the writing submitted to their report. 223

H.—Minute of Council, communication and report on the protest signed by the Chief Justice. 227

Milnes to Portland. Sends dispatches and duplicate by a corn ship. 240

Ryland to King. Asks for the regulations of Trinity House respecting pilots. 241

Milnes to Portland (No. 49). Sends exemplifications of the Acts passed last session and copies of the Journals of Council. Remarks on two Acts. 1. To explain and amend the law respecting last wills and testaments. Sends copy of the Attorney General's opinion, of the protest of Chief Justice Osgoode, and observations by P. L. Panet. 2. The Act relating to *lods et ventes*, already fully written on. Three bills were reserved for the Royal assent. 1. "An Act to declare the decisory oath or *serment decisive*, admissible in commercial as well as other civil matters in this Province." Cannot advise its receiving the Royal assent. 2. The bill for the establishment of free schools, which is not all he could wish, but as it may lay the foundation for a more approved plan, recommends it being assented. 3. The Montreal wall bill, respecting which he transmits all that has hitherto passed on the subject, in case any further consideration in a military point of view.

Enclosed. A.—Schedule of the bills assented to. 246

B.—Attorney General's report on the Act to explain and amend the law respecting last wills and testaments.

C.—Protest by the Chief Justice on the same Act. 257

D.—Observations on the protest by Judge P. L. Panet. 259

E.—Schedule of reserved bills. 269

F.—Attorney General's report on the bill to declare the decisory oath admissible, &c. 270

(1). Report by Col. Gotther Mann, dated 3rd August, 1791, on the town walls of Montreal, their removal, &c. 277

(2). Extract of letter from Dundas to Dorchester, dated 17th July, 1793, respecting the walls. 284

1801.

- (3). Extract from Prescott's speech, 26th January, 1797, and copy of his message to the Assembly, respecting the walls. Page 286
 (4). Bill for taking down and removing the old walls and fortifications of Montreal (English, 290; French, 318). 290, 318
 (5 and 6). Extracts from letters of Portland to Prescott, dated 13th July and 4th November, 1797. 346 to 349
 Schedule of the enclosures. 350

LIEUT. GOV. MILNES—1801.

Q. 87—1.

1801.
June 10,
Quebec.

Milnes to Portland (No. 50). Dispatches received and matters referred to in them laid before Council. The report on the memorial of Gale, with documents, received too late to be transcribed, so as to be forwarded by this mail. The proclamations respecting the Royal style and titles, and the ensigns or colours to be borne by British ships or vessels, have been published. (For these proclamations see Series C, vol. 245, pp. 19-20.) The instrument directing Williams, Craige and Panet to be admitted honorary members of the Executive Council received; the two former sworn in, but Panet being absent on official duty cannot for the present give the advantage of his services. Page 5

June 10,
Quebec.

Same to same (No. 51). Sends minutes of Council on the waste lands of the Crown, from 15th August, 1800, to 28th February, 1801. 7

Minutes, 10th September. Report of 25th August on the township of Stanstead laid before the Board. 7

(For names see alphabetical list.)

Minutes, 17th October. Report on the application of British Militia who served during the blockade of Quebec, 1775. 6

The township of Granby to be granted to them in a fixed proportion according to rank. 13

Report on the township of Hereford. 15

Report on the township of Stukely. 17

Report on the township of Broughton. 20

Report on the township of Eaton. 23

(For names see alphabetical lists of these grantees in these townships.)

Minutes, 29th October. Report on petition of John Black. 31

Report of the proceeds of the Land Committee, on sundry petitions. 32

(See alphabetical list.)

Minutes, 29th November. Report on sundry petitions. (See alphabetical list.)

Minutes, 6th January, 1801. Report on sundry petitions. 58

(See alphabetical list.)

Minutes, 27th January. Report of the Land Committee. 62

On the township of Shefford. 63

On the township of Barnston. 67

(See alphabetical lists.)

Minutes, 28th February. Report on the township of Ascott. 72

Sundry Petitions. 77

On the township of Orford. 84

On the township of Bury. 89

On the township of Stanstead. 90

(See alphabetical lists.)

Warrants of Survey ordered for various townships. 91

June 10,
Quebec.

Milnes to Portland (secret and separate). Remarks on the probability of the *lods et ventes* (mutation fines) being abolished by the effect

1801.

of the passage of the Act on that subject and the consequent facility for the purchase of lands in free and common soccage, and the mixture of the English and Canadians. Cannot account for the little success attending the establishment of the Canadian battalion. Had understood that the patronage of that corps was in the hands of the civil department, but finds now it rests with the Commander-in-Chief. Were the patronage with the Governor, as in other Colonies, it might be the means of drawing out the Canadian gentlemen. Shall try to effect a change in the relations between the Roman Catholic clergy and Government. In order to obtain a proper knowledge of the state of the militia, he shall make a tour of the Province, charging the cost to the Contingent Account. Page 93

June 12,
Quebec.

Milnes to Portland (No. 52). Sends Naval Officer's returns of vessels entered and cleared at Quebec from 10th October, 1800, to 5th January, 1801. 97

June 12,
Quebec.

Same to same (No. 53). Sends letter from Colonel de Longueuil of the 1st battalion of Royal Canadian Volunteers, enclosing bill of exchange for £500 sterling, being a voluntary contribution of the officers and privates of the corps, towards carrying on the war. 98

Enclosed Letter from de Longueuil, dated 12th June. 99

Answer by Milnes, dated 12th June. 100

June 12,
Quebec.

Milnes to Portland. Sends report of the Attorney and Solicitor General on the memorial of Bell & Monro to have a rent charged to the lessees of the iron mines at Basticaan. 101

Enclosed. Report referred to. 102

June 12,
Quebec.

Milnes to Portland (No. 54). Transmits copy of another protest lodged by Chief Justice Osgoode, with an account of the circumstances. The other members of Council are against its admission and to avoid a decision had stated that he would send it to be laid before His Majesty. Had examined the record to ascertain the practice as to receiving protest. Dissents were allowed during the time of Hamilton and Hope, but since 1792, only one is entered and in that case the name of the person is simply stated. In Dorchester's time the names for and against an Order in Council were struck out, but in one case of an Order in Council respecting fees, the words "upon a division" were allowed to be entered in the minutes. Further remarks on the circumstances, and on the danger in a Colony differing in religious and political opinions to allow of such a course as that demanded by the Chief Justice being granted. 105

Osgoode's protest with reasons. 110

Minutes of various duties relating to protests. 113 to 130

July 13,
Whitehall.

Portland to Milnes. Dispatches 48 and 49 and separate and secret letter of 29th April laid before the King. (The real date of the separate and secret letter is 26th March, see Q. 86-1, p. 142.) The Act for the relief of persons holding lands *en roture*, although not brought forward in a strictly formal manner, was fully warranted by the message of Lord Dorchester. Is willing to believe that Osgoode's opposition proceeded from laudable motives, and cannot but regret that the want of communication on his part prevented steps being taken that would have obviated his objections. The policy of the measures is declaratory of the rights of the Crown and renders their exercise less dangerous to the subject. The application of the sums arising from the Act being left to His Majesty, there is no need for an Act to authorize their application. The House of Assembly will of course repay the money stated in No. 48 to have been advanced. The rule as to entering protests in the minutes of the Executive Council may follow that in the Privy Council, in which the utmost freedom of speech is allowed, but no protests are entered on

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1801.

July 13,
Quebec.

the minutes. Has no objection to fees in addition to salary, being allowed to the Attorney General.

Page 2

Milnes to Portland (No. 55). Sends minutes of Council on Crown lands, from 1st March to 5th July. Cuyler had received 10,000 acres for self and family.

132

Minutes, 6th April. Cuyler's memorial referred to Committee of the whole Council. Letter respecting the seigniors of St. Hyacinthe written to M. de Larue and report on the rear line bounding the townships of Milton and Granby also referred to Committee.

133

Minutes, 14th April. Report on the rear line of St. Hyacinthe.

134

Minutes, 25th May. Reports of the Land Committee on petitions. (For names see alphabetical list.)

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Report on the seigniory of St. Hyacinthe.

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Report on the petition of Jeremiah senior and junior and Peleg Spencer.

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Report on the township of Brampton.

144

Report on the township of Newport.

(For names see alphabetical list.)

August 1,
Quebec.

Milnes to Portland (separate and secret). Sends report written by Mr. Graham addressed to Burton and now laid before him (Milnes). The want of precision in Graham's personal communications respecting an attempt to raise a rebellion in Canada. Particulars respecting Graham. Neither he nor Burton disposed to give implicit credit to his statements, but as he was employed by Government cannot neglect to send his information. Intelligence received from Bolton, an English gentleman, of a conversation overheard respecting Ira Allen securing false certificates from Vermont that the arms taken in the "Olive Branch" were for the militia of that State. One of the men overheard has made a deposition, now enclosed. Bolton has undertaken to investigate further.

151

Enclosed. Information by Graham (printed in full in report on Archives for 1891).

156, 158

Depositions of Jean Jagnar (Gagnon ?) of Chateau Richer, formerly resident with Holgate in Swanton, Vermont, respecting the meetings there to concert measures for the seizure of the Province of Quebec, meetings being held two or three times, and never seldom than once a week, at which were present McLane, since executed, Silas Hathaway, of St. Albans, Ira Allen, of Onion River, and 30 or 40 others (many of the other names are given). Ira Allen's proposal to obtain arms from France: the means by which he hopes to avert suspicion, and to cause the belief that the arms are for the Vermont militia.

161

August 2,
Hawthurst.

Prescott to Lord Pelham. Sends copy of letter to the Duke of Portland, dated 15th November, 1799; the investigation asked for, nothing yet taken place, renews his request and states his willingness to return to his Government.

167

Certified copy of letter to Portland referred to, containing request for an investigation into the conduct of himself and the Executive Council and a statement of the points in dispute relative to grants of land.

168

August 7,
Quebec.

Milnes to Portland (No. 56). Sends last report of the commissioners for the Jesuit estates, with abstract of the rents received up to April last. Dunn, who has been at the head of the commission, can give further information, who sails for London by this opportunity. He can give information also concerning the *lots et ventes* and generally respecting the affairs of the Province.

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Enclosed. Report.

178

Abstract of accounts.

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August 11,
Quebec.

Milnes to Portland (No. 57). Shall not fail to notice any matter of importance in the minutes of the Executive Council, the proceedings in

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respect to erecting Protestant parishes not yet completed; the report of the Attorney General will be submitted to Council. Send minutes respecting Crown lands from 26th May to 6th July, containing Gale's memorial, &c. Could not give an opinion, as the affair took place before he assumed office. Sends report on the case of the late Rev. Mr. Toosey's heirs; the hardship of compelling natural born subjects who may happen to be absent in another part of His Majesty's dominions to appear before the commissioners to take the oath of allegiance, &c., before obtaining the land. Asks for a dispensing power. Has called the attention of the Executive Council to the necessity of proceeding with the land business as rapidly as possible; the stoppage consequent on the age and infirmities of the Surveyor General. Page 181

Minutes, 6th July. Report on Gale's memorial on behalf of sundry applicants, with appended evidence, &c. 185

(For names see alphabetical list.)

Report on the Land Committee on petitions. 228

(For names see alphabetical list.)

Minutes, 26th August. Report on the surveys of certain townships. 231

(See alphabetical list.)

Report on the memorial of Kenelm Chandler, on behalf of the widow and heirs of the late Philip Toosey. 236

Other reports. 238 to 242

August 13,
 Quebec.

Milnes to Portland (No. 58). Has laid before the Council correspondence respecting the culture of hemp. Has caused experiments to be made, the result to be laid before the Legislature, and has entrusted Isaac Winslow Clark with the duty of carrying these out. 243

Report of the Executive Council on the proposed cultivation of hemp. 245

August 13,
 Quebec.

Milnes to Portland (No. 59). Orders received to take steps to recover £1,500 due by Hugh Finlay to the Post Office; his circumstances; how part of the debt may be secured. 251

Report of the Attorney General on Finlay's case. 256

Memorial of Hugh Finlay. 259

Testimonial in favour of Hugh Finlay, numerous signed. 266

August 14,
 Quebec.

Milnes to Portland (No. 60). Sends Naval Officer's returns of vessels entered and cleared at Quebec, between the 5th of April and 5th of July. 269

August 14,
 Quebec.

Same to same (No. 61). Sends documents to show the steps he had taken in reference to the doubts respecting the formation of the Criminal Court under the Judicature Act. Has requested Mr. Justice Williams to take the chairmanship in the committees of the Executive Council owing to the illness of Finlay, who acted in that capacity. 270

Enclosed. Representations of the puisne judges of King's Bench, Quebec, respecting the absence of the Chief Justice from the criminal term at Three Rivers. 271

Ryland to Chief Justice Monk, dated 18th July, desiring him to make arrangements for the criminal terms at Quebec and Three Rivers, in consequence of the absence of Chief Justice Osgoode. 272

Monk to Ryland, dated 20th July, that he would perform the duties during the absence of Osgoode. 273

Ryland to the Attorney and Solicitor General, 22nd July. For their opinion as to the proper constitution of the courts during the criminal terms during the absence of the Chief Justice. 274

Joint report of the Attorney and Solicitor General on the subject. 275

Chief Justice Monk to Milnes, 12th August. Points out objections to the issue of the commission for holding a court of Oyer and Terminer. 280

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September 3,
Downing
Street.

Ryland to Monk, 14th August, that the Lieutenant Governor desires to add his name to the commission of Oyer and Terminer, but if there is any way of relieving him of certain of the duties, the Lieutenant Governor shall be glad to do so. Page 283

Lord Hobart to Milnes. Acknowledges dispatches. As Osgoode is here, nothing additional need be said respecting the entering of protests in the Council minutes. The testimony of zeal and loyalty received on account of the Royal Canadian Volunteers. His Majesty's satisfaction at the receipt from the corps of £500 of voluntary contributions. 131

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Q. 87-2.

1801.

July 22,
General Post
Office.

Freeling to King. Asking if any reply has been received respecting the amount due to the Post Office by Hugh Finlay. Page 513

Enclosed. Letter from the Postmaster General, 6th October, 1800, to the Duke of Portland, requesting him to put the claim against Hugh Finlay into the hands of the Law Officers of the Crown, to recover £1,500 due to the Post Office. 514

August 22,
Hawkhurst.

Prescott to Hobart. Had only learned of his succeeding Portland. Sends now copy of letter to the latter dated 15th November, 1799. (See Q. 87-1, pp. 167, 168.) 285

August 29,
London.

Gale to Sullivan. Sends memorial on behalf of grantees of lands in Lower Canada, who have been unable to obtain the legal titles. 293
(For memorial, &c., see Q., vol. 90.)

September 12,
Trinity House
London.

James Court to John Sullivan. Sends copy of the rules and orders to be observed by pilots acting under the corporation licence, with other documents. 515

September 16,
Quebec.

Milnes to King. Reports that Graham's information has to some extent been confirmed and that a parcel of Americans had formed a society in Montreal on the principles of Jacobinism and Illuminism, one Rogers being at their head. Five or six have been arrested; Rogers has escaped. 297

September 20,
Star Green.

Prescott to Hobart. Sends correspondence, &c., respecting fees, for His Lordship's judgment if these should not be paid to his agent, Major Green. 299

October 13,
Downing
Street.

Enclosed. Correspondence, instructions, &c. 300 to 302
Hobart to Milnes (No. 2). Dispatches received, which he shall answer fully at an early period. The report on Gale's memorial has been transmitted to the Lords of the Council. Shall recommend Finlay's case to the Postmaster General. 295

October 16,
Quebec.

Milnes to Hobart (No. 1). Has been informed of His Lordship having taken charge of the Colonial Department. Other dispatches received. Shall take steps to grant Caldwell half a township, as ordered. 303

October 17,
Downing
Street.

Sullivan to Milnes. Sends letters and enclosures from the Trinity House respecting pilots. 396

October 24,
Quebec.

Milnes to Hobart (No. 2). Besides documents already sent, encloses letter from Monk, and answer, respecting the measures for forming a proper Criminal Court. Has issued two commissions, one for Oyer and Terminer, the other for Gaol Delivery, in both of which Monk is included. 305

Monk to Milnes, 15th August, discussing the proper method of administering the Criminal Courts. 306

Answer, dated 3rd September. 309

1801.

October 24,
Quebec.

(For other documents on this subject, see Q. 87-1 from page 270.)
Milnes to Hobart (No. 3). Sends duplicate of letter to Portland, that measures had been taken to secure the land to meet Finlay's obligations to the Post Office. Encloses agreement to that effect.

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Agreement respecting the transfer and sale of land coming to Finlay.

October 25,
Quebec.

Milnes to Hobart (No. 4). Encloses requisition for goods for the Indians, rendered necessary in consequence of the loss of the "Sovereign."

October 27,
Quebec.

Monk to Hobart. Applies for the office of Chief Justice of the Province, to become vacant by Osgoode remaining in England. Documents accompanying the application.

October 28,
Quebec.

Milnes to same (No. 5). Sends Naval Officer's returns of vessels entered and cleared at Quebec from 5th July to 10th October.

October 28,
Quebec.

Same to same (No. 6). Send minutes of Council on Crown Lands, from 7th July to date.

Minutes, 21st July. Report on the petition of Jane, widow of Moses Cowan.

Report on the Survey of Brampton, with evidence, &c.

Report on the expediency of fixing a period for terminating the land business.

Minutes, 14th August. Report respecting the publication of a list of applicants' orders, in order to their uniting to come forward.

Report on two letters from the Surveyor General.

Report of petitions for land.

(For names see alphabetical list.)

Minutes, 14th September. Report on petitions for lands, with journal, &c.

Report of memorial of Alexander Ellice for survey of the ungranted portion of Clifton.

Report on the township of Shenley.

Survey ordered of the ungranted lands of Farnham and Clifton.

October 28,
Quebec.

Milnes to Hobart (No. 7). Refers to dispatch of 1st August to Portland, relative to information by Graham of a conspiracy, but it was so vague as scarcely to deserve notice. (See Q. 87-1, p. 151.) Sends additional information. (This is substantially the same as in letter to King of 16th September, at page 297.) The Militia called out and acted with alacrity, a change for the better, as on a former occasion they acted with such reluctance that it was thought advisable not to follow up that order; has no doubt that this alacrity has arisen from having reviewed them himself, an attention they had never received from the King's representative, and a yearly repetition would have the best effect. Police associations are forming in Montreal, composed of the most respectable inhabitants; 600 stand of arms have been deposited there by Hunter for the use of the Militia. Thornton has been informed of the plans reported to be carrying on in Vermont, and a confidential person has been employed to watch Ira Allen and his associates. A correspondence has been established with the curés, to report the arrival of strangers or suspicious persons in the parishes. The United States Government does not appear to have any knowledge of the plans, so that it is to be presumed that Ira Allen is employed by the emissaries of France.

Enclosed. Report of Attorney General (Sewell), dated 21st September respecting the Civil Society of Montreal. (A secret society for overturning the Government, of whose methods, &c., a detailed statement is given.)

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- Second report by the Attorney General, dated 23rd October, of the Civil Society of Montreal, of which Ira Allen, principal in McLean's conspiracy, was at the head, one of the first objects of which was the plunder of Montreal. Details of the plans of the conspirators. Page 392
- Extracts from the material parts of depositions and papers relative to a secret society formed at Montreal and a proposed invasion of His Majesty's Province of Lower Canada. 400
- Proclamation, 15th October, 1801, calling out the Militia. 418
- November 5, Milnes to Hobart (No. 8.) Sends statement of the voluntary contributions for carrying on the war, with bill for £385 9s. 5d. sterling, the net amount of the subscriptions. 422
- Quebec. *Enclosed.* Statement of subscriptions and expenses. 423
- November 6, Milnes to Hobart (No. 9). Had informed Portland of experiments being carried on in hemp culture by Mr. Isaac W. Clarke; sends samples of his and of hemp grown at Quebec by William Grant. Will recommend to the Legislature measures for promoting the growth of hemp in the Province. 424
- Quebec. Same to same (No. 10). Reports the steps that will be necessary for the trial of George Parrell for murder committed on the high seas, in consequence of a judgment of a Court of General Gaol Delivery, delivered subsequent to the report (enclosed) of the Attorney General. Asks that a new commission may issue for the trial of marine offences. 426
- Report of the Attorney General upon the Admiralty Commission for the trial of marine felonies under the Statute 11 and 12 Will. III, c. 7. 428
- November 25, Milnes to Hobart (No. 11). In accordance with the directions of Portland to grant half a township to Caldwell, had informed that gentleman and now enclose copy of letter from him (Caldwell) and answer. Had given him a grant of quarter of the township of Westbury, but cannot give a final answer respecting Melbourne, as that is before a Committee of the Council. Besides the two quarter townships, Caldwell will receive 1,000 acres in Granby and Milton, his proportion as a Colonel of Militia during the siege of Quebec. 437
- Letter from Caldwell, dated Belmont, 10th November, discussing the terms of the grant to him, and accepting in the meantime the quarter of the township of Westbury. 439
- Ryland to Caldwell, 14th November, a warrant will issue for the quarter township. 442
- November 25, Milnes to Hobart (No. 12). That from all the information he has received, the schemes for creating disturbances are done away, and is in hopes that no further schemes of this kind will be formed. 443
- Quebec. Hobart to Milnes (No. 3). Dispatches received. Letter in favour of Finlay sent to the Postmaster General. Requisition for goods for the Indians sent to the Treasury. Approves of the means adopted in consequence of the discovery of the plans of Ira Allen and associates, but the movements must be watched with unabated vigilance. The King approves of his having personally reviewed the Militia, and is gratified at his measures being seconded with so much zeal and loyalty by His Majesty's Canadian subjects. There appears to be no objection to any of the Acts transmitted, except to No. 82, that respecting last wills and testaments, which has been referred to the Privy Council for consideration. 419
- December 11, W. M. Pitt to Sullivan, Under Secretary. Asks for a grant of 10,000 acres to Mathew Scott, who proposes to settle in Upper Canada. 516
- Kingston. Freeling to Sullivan. That the correspondence relative to Quebec shall be taken into consideration by the Board. 519
- December 11, General Post Office.
- December 11, King to same. Sends memorial by Chief Justice Osgoode, addressed to the Duke of Portland in October, 1800, and omitted to be taken into

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- consideration, having by some accident been separated from the other official papers relating to the Province of Lower Canada. Page 520
- Enclosed.* Osgoode's memorial. 521
- Proclamation of 1763. 523
- December 16, Milnes to Hobart (No. 13). Caldwell is desirous to obtain his grant from the residue of townships already surveyed and subdivided. Understands that these are reserved to raise a fund for defraying civil expenditure. Asks for instructions. 444
- Quebec. Same to same (No. 14). Sends minutes of Council on matters of State between 21st July and 1st October, and concerning the waste lands of the Crown from 29th October to 11th November. 445
- December 23, Minutes, 11th November. Report on the petition of Dr. Holmes for land. 446
- Quebec. Report on petition of Cull and others for land in Hatley. 447
- Report on the township of Shipton. 452
- Report on Granby and Milton. 458
- Report on a proclamation and advertisements respecting waste lands. 460
- Minutes, 21st July. L. P. Panet sworn in as a Councillor and Judge of the Court of Appeals. 464
- Minutes, 14th August. Report with documents respecting the *papier terrier* (land roll). 464
- Report on the petition of John Purss, respecting encroachments on the King's Wharf. 468
- Minutes, 14th September. Report on the Public Accounts for six months ending 10th April. 470
- Report on proposed new lease for the King's Posts. 490
- Report respecting certain persons suspected of treasonable practices at Montreal. 504
- Minutes, 1st October. Further report respecting suspected persons at Montreal. 508

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V.—Vanoliet, John, 16; Vantine, Abraham, 74; Villeneuve, see Amand; Vonden, Welden Wm., 79.

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Y.—Young, Alex., 90, Andrew, 12, Caleb, 450.

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C.—Compton, 79.

E.—Eaton, 23, 25, 42, 70.

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H.—Ham, 41; Hatley, 59, 447, 452; Hereford, 15.

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M.—Melbourne, 88, 33, 34; Milton, 89, 91, 133, 134.

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O.—Orford, 197; Oxford, 84, 85, 86, 188.

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S.—Shefford, 50, 63, 188; Shipton, 452; Simpson, 88, 89, 91; Stanbridge, 231; Stanstead, 8, 92, 92, 90, 143; Stoke, 33, 34, 40, 82, 239, 240; Stoneham, 237; Stukeley, 17, 188, 198; Sutton, 60, 71, 72.

W.—Wendover, 88, 89, 91; Wickham, 48; Windsor, 33, 34, 41, 88, 89, 91; Walton, 41.

LIEUT. GOV. MILNES—1802.

Q. 88.

1802.
January 6,
Downing
Street.

January 19,
Quebec.

January 19,
Quebec.

January 21,
Quebec.

March 1,
Quebec.

March 4,
Downing
Street.

April 8,
Downing
Street.

April 22,
Quebec.

Hobart to Milnes (No. 4). Acknowledges receipt of voluntary contributions for the war. Respecting the measures for the cultivation of hemp. The letter (No. 9) and the samples shall be laid before the Privy Council when the latter arrive. The arrears due to Osgoode to be paid out of the Provincial revenues. Page 2

Milnes to Hobart (No. 15). Dispatches received. Legislature met on the 11th; sends copy of speech, addresses and answers. His satisfaction at the appearance of unanimity in the two Houses. Calls attention (in a P.S.) to the two reserved bills, one for establishing Free Schools, the other the Montreal wall bill. 6

Enclosed. Speech at the opening of the Legislature. 8

Address from the Council. 13

Separate address presented by the Council at the same time, congratulating Milnes on the mark he had received of the Royal favour. 16

Answer to the Council. 18, 19

Address of the Assembly. 20

Answer. 25

Milnes to Hobart (No. 16). Sends minutes of Council on Crown Lands from 29th October to date. 27

Minutes, 11th November. Report on petition of Dr. Holmes. 28

Report on the township of Huntley. 29

Report on the township of Shipton. 36

Report on Granby and Milton. 43

Milnes to Hobart (separate). Finlay, senior member of the Executive and Legislative Council, and Major Holland, Surveyor General, died in the course of last month. Recommends Justice Williams for the vacant office in the Council. Owing to the absence of two and the distance at which others live, it is necessary that the office should be filled as soon as possible, should it be considered that Judge De Bonne has the best claim to the seat, hopes that a *mandamus* to that effect will be sent early as convenient. Calls attention to the distressed state of Finlay's family. The infirm state of Holland's health rendered him incapable of the regular execution of his duties; the importance of the office; a Committee of the whole Council appointed to investigate the state of the documents and records. Is afraid that the system introduced by Gale, whilst assistant, may lead to much litigation; the necessity of having a person of ability and integrity to establish a proper system. 51

List of the Executive Council of Lower Canada. 55

Milnes to Hobart (private). Representation of the insufficiency of the salary to maintain the expenditure requisite on the part of the administrator of the Government, if the jealousies which formerly existed to be kept down. What is required of a Governor, &c. 59

Hobart to Milnes (No. 5). The question as to the necessity of a new Admiralty Commission has been referred to the Law Officers. The samples of hemp have never been received. Sends receipt for the amount of voluntary contributions from Lower Canada. 4

Same to same (No. 6). A second reference has been made on the question of issuing new commissions for the trial of marine felonies; is yet unable to send the final report. Leave of absence to be granted to Sir George Pownall, on his appointing a suitable substitute. 68

Milnes to Hobart (No. 17). Appointment of Bouchette to succeed Holland as Surveyor General; his integrity and ability. 70

Enclosed. Journal of a Committee of the whole Council respecting the Surveyor General's office. 72

1802.
May 6,
Downing
Street.

Hobart to Milnes (No. 7). Three Acts confirmed, namely, 85, to declare the decisory Act admissible in commercial as well as in other civil matters; 86, Act to remove the old walls, &c., of Montreal, and 87, Act for the establishment of Free Schools. There seem to be no objections to the other Acts. Page 85

May 6,
Downing
Street.

Same to same (No. 8.) He is correct in the view taken of the directions respecting Caldwell's grant; no grant should be allowed to interfere with reservations already ordered. His satisfaction at the cordiality between the two branches of the Legislature. Justices Williams and De Bonne to be summoned as Councillors. The appointment of a committee to examine the state of the documents and records of the Surveyor General's department approved of. A new commission for the trial of marine felonies will be forwarded. Forwards memorial from the widow of Captain Clarke of the 59th Regiment, for a grant of land. 56

May 17,
Quebec.

Milnes to Hobart (No. 18). Sends minutes of Council on State business from 2nd October, 1801, to 4th February, 1802. 89

Minutes, 23rd October. Opinion from Portland, as to the practice of entering protests on the minutes, laid before the Board. 90

Minutes, 11th November. Reference respecting the residue of townships ordered to be disposed of: 92

Reference respecting lands to be appropriated for the foundation of Public Schools. 93

Report of the Attorney General on the erection of Protestant parishes laid on the table. 94

Minutes, 10th December. Proceedings and report concerning persons confined at Montreal on suspicion of treasonable practices, with journal. 95

Minutes, 12th December. Proceedings in reference to the sale ordered of the residue of townships in which grants have been made. Reference, 106; the order read, 107; report, 109. 106, 107, 109

Minutes, 5th January, 1802. Proclamation of Peace received and ordered to be printed. 111

Report on the table of fees to the Attorney General, with journal of proceedings. 112

Minutes, 4th February. Report on Public Accounts beginning on the 11th of April, 1801, with journal of proceedings, statements, &c. 121

May 17,
Quebec.

Milnes to Hobart (No. 19). The Commissioners for erecting a Metropolitan Church report that the cost will considerably exceed the estimate. The enclosed report shows the cause of the additional cost, the increased cost of labour and material has been such as to render a correct estimate impossible, as will be seen by the case of the Court House, yet unfinished, but which has cost already nearly double the original estimate. The advantage is so great that he will take the responsibility of advancing from time to time the necessary money to carry on the work. A great proportion of the Protestant inhabitants do not belong to the Church of England, and those who do cannot contribute liberally, yet the building of the church would probably unite all in one communion. Sends copies of the Acts passed during last session, one to make good the £4,000 advanced on account of Court Houses. The Assembly asks for a further advance of £6,000 to be made good, and the revenues are so increasing that there can be no doubt of the sum being repaid next session. Increases (given in detail) amount to £3,000, which may be considered permanent, and the Act respecting *lods et ventes* will not only produce £4,000 or £5,000 this year, but also secure a permanent revenue. Points out that the large additional expenses are temporary, 11

1802.

whilst the revenues are permanent. An Act has been passed for the culture of hemp. The subject has been taken up with spirit in the districts of Quebec and Montreal, in which committees have been established, a copy of whose proceedings and copy of his own speech on proroguing are enclosed. Dispatches received; calls attention to subjects mentioned in letters to Portland.

Page 150

Memorial by the Commissioners of the Metropolitan Church, respecting the excess of cost over the estimate.

156

Title of the volume of Acts. (The Acts have not been copied, being in Volume III. of the Statutes of Lower Canada.)

160

Address of the House of Assembly for an advance of £6,000 for the Court House of Quebec and Montreal.

161

Instruction on the mode of cultivating and preparing hemp. (English, 162, 166; French, 171, 175.)

162 to 180

Other documents on the same subject in English and French.

181 to 189

Milnes to Hobart (No. 20). Encloses memorial from Mr. Baby for an allowance in consequence of his long services and from the loss of income on account of the cessation of the lease of the King's Posts.

190

Enclosed. Memorial of Francois Baby (in French).

193

Milnes to Hobart (No. 21). Sends exemplifications of the Acts during the session, and a schedule, with manuscript copy of the Journal of the Legislative Council.

197

Enclosed. Schedule of Acts.

198

Title of the Statutes passed in the second session of the third Parliament. Not copied, being in Volume III. of the Statutes of Lower Canada.

Proclamations calling the Legislature together, with adjournments from time to time.

202, 204

Minutes of the Legislative Council.

205 to 287

Hobart to Milnes. That the application for an increase to his salary cannot be recommended, but trusts that he will make up his mind to remain for some time longer.

65

May 24,
Quebec.May 24,
Quebec.July 9,
Downing
Street.

APPLICANTS FOR LANDS IN THIS VOLUME.

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A.—Abbot, Abiel, jun., 31, 33, John, 33; Adams, Martin, 33.

B.—Barnard, George, 37, Henry, 37, James, 38, Stephen, 37; Beech, Stephen, 52; Blanchard, Peter D., 33; Blunt, David, 41, Ephraim jun., 41; Brocas, John, 38; Boyden, Edmund, 33.

C.—Catlin, Amos, 41; Chadsey, Job, 31; Chamberlain, David, 33, Timothy, 41; Clarke, Charles, 39; Clark, Harvey, 33; Cull, Henry, 29, 30, 31; Cushing, Elmer, 36, 37, 42, Job, 37, John P., 38.

D.—Daggit, Asa, 33; Davis, Joseph, 33; Doying, Daniel, 38, James, 38; Dudley, Goodrich, 34; Dustin, Wm., 39.

E.—Ellison, Thomas, 40.

F.—Fish, Joseph, 31, Samuel, 31.

G.—Gamelin, Joseph, 42; Green, Daniel, 32, Robert, 41.

H.—Hastings, Elijah, 37; Haycock, Chaunsey, 32; Hicks, John, 38, Joseph, 38; Hill, Thomas, 39; Hitchcock, Ephraim, 32, Paul, 33; Hovey, Chester, 31, Ebenezer, 29, 30, 31; Holmes, Wm., 28, 29; Hubbard, Israel, 34.

I.—Ives, Eli, 31, Joel Hall, 31, Joseph, 31.

K.—Kezer, Joseph, 40.

L.—Lebanon, Jephath, 33; LeBonnty, John B., 39; Leet, Benjamin, 39; Lester, John, 38; Leweston, David, 40; Lomis, Caleb, 34.

Mc.—McClure, John, 42, John Baptiste, 42.

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M.—Magoon, Ephraim, 39, 40; Martin, John, 41, Reuben, 32; Merri-
man, Amasa, 33; Mix, Enos, 31; Mortin, Jonas, 32; Moulton,
Benjamin, 40.

O.—Oaks, John, 42.

P.—Peasley, Philip, 34; Perkins, Joseph, 40.

R.—Rexford, Abraham, 32, Benjamin, 31, Isaac, 31, Samuel, 31;
Rice, Abino, 40; Robinson, John, 40; Rundlett, Wm., 41.

S.—Schoolcraft, James, 34; Shipton, 36; Simon, Reuben, 33; Smith,
Jonathan, 41; Steele, Jonathan, 39; Stewart, Amherst, 39.

T.—Taylor, Wm., 31; Tesendon, Nathaniel, 38; Tobyne, James, 42.
W.—Wadleigh, Jesse, 33; Wetherell, Job, 37, Lot, 37; Williams,
Providence, 33.

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C.—Clifton, 28.

E.—Ely, 28.

G.—Granby, 43.

H.—Hatley, 29, 35.

M.—Milton, 43.

N.—Newport, 28.

LIEUT. GOV. MILNES AND MISCELLANEOUS—1802.

Q. 89.

1802.
May 31,
Downing
Street.

Hobart to Milnes (No. 9). Order that Osgoode having resigned the
office of Chief Justice of Lower Canada is to receive a life pension of
£800 per annum to begin from the first day of the present May. Elms-
ley, the present Chief Justice of Upper Canada is to succeed him, the
salary to be increased to £1,500 per annum. The salary of the Chief
Justice of Montreal is (for reasons given) to be increased to £1,100.
Elmsley also appointed to the Executive and Legislative Councils, De
Bonne to the Executive and Williams to the Legislative Council. The
control of the *Maitres des postes* (keepers of post-houses for supplying
horses) should be in the hands of the present Deputy Postmaster,
Heriot, as in the same manner as the same was exercised by Finlay.
Steps to be taken for that purpose. Page 2

June 9,
Quebec.

Milnes to Hobart (No. 22). Sends proceedings of the Executive
Council on Crown Lands from 20th January and 28th March, and on
matters of State from 5th February to 18th March. 5

Minutes, 4th February. Report on petitions and on Councils. 6

(For names see alphabetical list.)

Minutes, 6th February. Report on petitions, &c. 38

Minutes, 8th February. Report on petitions, &c. 41

Minutes, 15th February. Report on petitions, &c. 44

Minutes, 17th February. Report on petitions, &c. 47

Minutes, 19th February. Report on petitions, &c. 48

Minutes, 4th March. Statement of the Provincial revenue. 58

Minutes, 18th March. Proposed lease of the King's posts, with pro-
ceedings and journal of the King's Executive Council on the same. 58

Report of the Committee. 64

Report of the Committee on the petition of James Irvine for part of
the beach in lower town, Quebec. 65

Report on the statements of Provincial revenue. 69

Report on the case of Palmer and Dewey, in prison on suspicion of
treason. 70

n, 32; Merri-
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Samuel, 31;

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Page 2
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suspicion of
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1802.
June 17,
Quebec.

June 24,
Quebec.

June 30,
Quebec.

July 5,
Quebec.

July 31,
Quebec.

August 6,
Downing
Street.

August 16,
Quebec.

Milnes to Hobart (separate and secret). Warrant issued for £275 17s. 10d., arrears of salary claimed by Osgoode. Is anxious to know the determination respecting Osgoode's office of Chief Justice; his salary has been claimed by his agents but shall postpone a decision till after the arrival of the mail. The Chief Justice of Montreal (Monk) has presided over the Commission of Oyer and Terminer for the district of Quebec and has been appointed Speaker of the Legislature, but it would not be for the benefit of His Majesty's Service to continue him in the latter office. The importance of having the office of Chief Justice filled up, and that whoever is appointed should be well acquainted with French.

Page 75

Enclosed. Answer to Lester, agent for Chief Justice Osgoode, that he must postpone issuing a warrant for his salary till the arrival of the April mail.

78

Milnes to Hobart (No. 23). Is sorry that the samples of hemp have not been received; shall send others. The steps taken to sell the residue of the townships in which grants have been made; it is proposed in the first instance to offer 82,000 acres at not less than two shillings and sixpence, which would yield to the Provincial funds upwards of £10,000. The value of the Crown lands.

79

Enclosed. Report respecting the sale of the residue of townships.

81

Milnes to Hobart (No. 24). Has sent a second sample of hemp. By the same conveyance a quantity (2,584 pounds) is sent for sale.

90

Same to same (No. 25). Transmits memorial from the Commissioners for the erection of a Metropolitan Church, in which they express their hope that His Majesty would make a gift of Communion plate and altar cloth with a Bible and Book of Common Prayer for the Governor, Lieut. Governor, members of the Privy Council and officiating Clergyman; not more than twelve Prayer Books would be required.

92

Memorial.

94

Milnes to Hobart (No. 26). The length of time that has elapsed since the confinement of George Parrell, on a charge of murder on the high seas, makes him anxious for the new commission for the trial of marine felonies. Powell to have leave of absence on his application. The proclamation notifying the conclusion of the war and the regulations for the navigation of British ships in time of peace has been published, and a day of thanksgiving ordered to be held. Is happy to find that his interpretations of the grant to Caldwell was correct. Has every reason to hope for continued unanimity on the part of the two branches of the Legislature. Is flattered at his recommendation on behalf of De Bonne, and Williams has been approved of. Has laid Mrs. Clarke's memorial before the Council.

99

Hobart to Milnes (No. 10). Minute of the Lords of Trade in Gale's memorial forwarded; the necessity for some legislative provision to obviate the difficulties respecting the titles of land to early settlers. To consult, take measures and report.

Milnes to Hobart (No. 27). The increase to the salary of the Chief Justice of Montreal (Monk) has been notified to him. Had issued a warrant for Osgoode's salary up to the 30th of April. His satisfaction at the appointment of Elmsley. Explanation of the cause which led to the appointment of Taschereau to be Superintendent of Post-houses; the nature of the services rendered by these houses; the class of people who act as *Maitres des postes* and their independent positions. Heriot's error as to the position of Superintendent of Posts being part of the appointment of Deputy Postmaster General, because the offices were conjoined, in Finlay; the influence possessed by Taschereau, and the importance of securing his services in this capacity as well as in that of Grand Voyer.

105

1802.

Enclosed. Extracts from Ordinances "for regulating all such persons as keep horses and carriages to let and hire for the accommodation of travellers, commonly called and known by the name of *Maître des postes*." Page 112, 113

Application by Heriot, dated 30th December, 1801, to be appointed a Legislative Councillor. 115

September 3,
Quebec.

Milnes to Hobart (No. 28). Transmits memorial from Lanaudière, but, as the events to which it refers took place before his (Milnes') arrival, can make no recommendation on the subject. Lanaudière has been Grand Voyer since 1786, at a salary of £500 a year. 117

Enclosed. Memorial (in French) from Lanaudière, with document attached. Showing his losses, praying for a grant of land and stating the amount of property belonging to his aunt, situated on Lake Champlain, which had been unjustly taken possession of and sold to the great detriment of his family interests. 118

Statement of the seizure of his property by the Americans in 1775. 123

September 4,
Downing,
Street.

Hobart to Milnes (No. 11). His Majesty's satisfaction at the mutual confidence of the different branches of the Legislature and at the progressive improvement of the revenues. Is happy to observe that the culture of hemp is so zealously promoted. Approves of the advances made to the Commissioners for erecting the Metropolitan Church. Will lay the request for Communion plate, altar cloth and books before the King. An allowance of £150 a year to be made to Baby and to his wife, should she survive him. Transmits opinion of the Lords of Council on the Act to explain and amend the law respecting last wills and testaments. 96

October 4,
Quebec.

Milnes to Hobart (separate and secret). Although his representation (to increase his salary) has not had the effect with which he had flattered himself, is sensible of the attention given to the subject. He shall do his best to carry on the Government as long as the Governor-in-Chief has leave of absence. Calls attention to his service in settling the dissensions which existed when he arrived, and the popularity now enjoyed by the King's Government, so that it would not be thought the increase granted in consequence of his letter in 1799 had been illplaced. Remarks on the increase in the revenues since he had assumed office and refers to a similar result during the time he was in command in Martinico, when he had reduced the expenditure and increased the revenue, so that a surplus of £12,000 was left in the Colonial chest on his departure, although on his arrival the taxes could not be raised. Believes that the augmentation asked for would be fully made up by the additional influence he would obtain, which would enable him to carry out certain objects, among others the Militia bill and the change of tenure. Further consideration on the subject; his situation not only was not for the advantage of his family, but he could not even save his private income. 125

October 5,
Downing
Street.

Hobart to Milnes (No. 12). A new commission for the trial of marine felonies has been forwarded. Orders have been given to forward Communion plate, altar cloth and books to the Commissioners for erecting the Metropolitan Church which have been bestowed by the King. 102

October 5,
Quebec.

Milnes to Hobart (No. 29). Sends Taschereau's report on Provincial post-houses. 131

Enclosed. Report on Provincial post-houses with observations on their present condition and that of the ferry men, &c. 132

Written order addressed by Taschereau to the masters of post-houses. 136

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Maitres des
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132
post-houses.
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1802.		
October 27, Quebec.	Milnes to Hobart (No. 30). Sends Naval Officer's returns of vessels entered and cleared at Quebec, between the 10th of October, 1801, and 5th January, 1802.	Page 139
	<i>Enclosed.</i> Return of vessels entered inwards.	139a
	The same of vessels cleared outwards.	139b
October 27, Quebec.	Milnes to Hobart (No. 31). Sends requisition for goods to supply the stores with presents for the Indians.	140
	<i>Enclosed.</i> Requisition.	141
October 27, Quebec.	Milnes to Hobart (No. 32). Sends Naval Officer's returns of vessels entered and cleared at Quebec, between the 5th April and 5th July.	143
	<i>Enclosed.</i> Returns of vessels entered inwards.	143a
	The same outwards.	143b
October 30, Quebec.	Milnes to Hobart (No. 33). Sends copy of letter from the Judges of the Court of King's Bench and of the presentment of the Grand Jury relative to the incompetence of the Courts in the Province to take cognizance of crimes committed in the Indian Territory. The serious consequence of this; sends the fullest information attainable of the state of the Fur trade, of which he gives a history, together with sundry enclosures.	144
	<i>Enclosed.</i> A.—Letters from the Chief Justice and puisné judges of Montreal, dated 12th September, with calendar of prisoners tried, convicted and under sentence at the last session of the Court of King's Bench. Two presentments of the Grand Jury transmitted, one respecting the escape of prisoners from the district gaol, the other respecting murders lately committed in the interior or Indian country; the evils and dangers arising from this cause. An Act to provide for the trial of offenders in the Province next to the scene of the crime would have a deterrent effect.	153
	B.—Presentment of the Grand Jury, 10th September, respecting crimes committed in the Indian territory which they are not competent to investigate, owing to the state of the law.	156
	C.—Report of the Attorney General, on the law respecting the trial of persons charged with offences committed in the Indian country, dated 23rd October.	162
	D.—General return of the departments and posts occupied by the North-West Company, with number of partners, &c.	166
	E.—Average number of peltries cleared at the custom house, Quebec, for England, from 1793 to 1801, with calculation of the duties paid on landing.	168
	F.—Furs exported from Quebec in 1801, with average prices in London.	169
October 30, Quebec.	Milnes to Hobart (No. 34). Has received minutes of the Lords of Trade and shall try to obviate the difficulties with regard to the completions of titles to certain early settlers. Arrival of Elmsley; he has been sworn in. Calls attention to his request for a dispensing power with regard to natural born subjects, who are prevented from appearing before the Commissioners to take the oaths before obtaining the land granted them. Has advised Mr. Scott to prepare a memorial for lands which may be presented to Council. Recommends Maurice de Salaberry for an ensigncy in one of the regular regiments. The importance of giving commissions to the sons of Canadian gentlemen.	172
November 1, Quebec.	Same to same. Calls attention to an error in his letter of 4th October, marked separate and secret, in stating that the increase of revenue was £4,000 instead of £3,000, the real amount (a reference to p. 125 shows that the real amount (£3,000) was stated in the letter and probably copied incorrectly). The statement to the Duke of Portland in letter of 16th April, 1801 (No. 47), that the produce of the <i>lods et ventes</i> in 1759, the last year of the French Government was about £900, and that	

1802.

- exclusive of £5,000 in the present year, a permanent revenue of £1,000 a year may be looked for (see for letter 47, Q. 86-1, p. 197). Page 176
- November 10, Milnes to Hobart (No. 35). Sends minutes of Council on State business
Quebec. from 4th March to 27th May, and on Crown Lands from 29th March to 25th July. 180
(For Schedule of Provincial Revenues see page 58.)
Minutes, 29th March. Report on petition of John Young. 182
Report of the Committee on petitions, &c. 186
Minutes, 28th May Report of the Committee on petitions, &c. 208
(For names see alphabetical list.)
- November 16, Milnes to Sullivan. Introducing Usborne, connected with the timber
Quebec. trade of Lower Canada. 227
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- November 18, Milnes to Hobart (No. 37). Had sent observations on the Fur trade in
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- November 18, Milnes to Hobart (No. 38). A verbal representation made by members
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Hobart to Milnes (No. 14). Dispatches received; No. 31 of 21st October has been sent to the Treasury, with requisition of goods for the Indians. Warrant sent appointing Elmsley Chief Justice and member of the Executive and Legislative Councils. The question of the Fur trade referred to the Crown surveyors. It is deserving of consideration whether it might not be advisable to establish a chartered company for the systematic conduct of the trade. Its advantages. 178

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LIEUT. GOV. MILNES AND MISCELLANEOUS—1802.

Q. 90.

1802.
January 7,
London.

Sir Alexander Mackenzie to Hobart. Proposals for the establishment of a permanent fishery and trade in furs, &c., in the interior and on the west coast of North America. Same management required to bring about the coalition of the two companies at Montreal. Those who do not go into the partnership should be allowed to do as they please, but asks that the licenses shall be confided to him for behoof of those who shall accede. Has no doubt of succeeding with those whose personal exertion are infinitely more essential than the capital of the others, as they can only be replaced by juniors growing up in the service during a period of from six to ten years, whereas the capital can be raised at any time. Intends to embark towards the end of the month. Page 37

Preliminaries to the establishment of a permanent British Fishery and trade in furs, &c., on the Continent and West Coast of North America. 39

A. Newland to Sullivan. Acknowledging receipt of bill of exchange for £385 9s. 5d., being the amount of voluntary contributions from Lower Canada towards the expenses of the war. 45

Robert Hamilton to Charles Taylor, Secretary to the Society of Arts. Respecting the culture of hemp. 349

Hobart to Milnes (No. 15). Orders have been sent to Heriot to increase the rate paid to the *Maitres des postes* for supplying horses for the mails. The satisfactory state of the trade of Canada since 1793. Is authorized to grant the lands asked for to the Scotch Church and to the *Congrégation de Notre Dame*. To report on the extent of land required for the maintenance of the Church of Scotland in Lower Canada. An Imperial Act necessary to authorize the trial in Canada of felonies committed in the Indian territory. 20

Newland to Sullivan. Sends certificate of voluntary contributions from Lower Canada for the war. 46

January 26,
Bank of
England.February 4,
Queenston.February 9,
Downing
Street.February 13,
Bank of
England.March 4,
Whitehall.

Report of the Lords of Council on Gale's petition relative to the grants of waste lands. 47

(The documents relating to this claim extend in this volume from page 47 to page 264, and those sent from Lower Canada, beginning at page 50, were transmitted in Milnes' letter of 11th August, 1801 (No. 51). See Q. 87-1, p. 181.)

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	March 23, London.	Thomas Dunn to Hobart. Had arrived on six months' leave of absence for the purpose of settling his public accounts as private concerns. Asks for an extension of leave. Page 265
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	April 6, London.	Attorney and Solicitor General report on whether it is necessary to issue new commissions for the trial in Canada of marine offences. 267
213, 214;	April 7, London.	Order in Council confirming laws passed in Lower Canada respecting the decisory oath, for removing the old walls, &c., of Montreal and for establishing Free Schools. 270
	April 28, Treasury.	J. H. Addington to Sullivan Transmits application made to the Treasury by Prescott, for an allowance to his secretary, Gale, to be submitted to Hobart. 272
	May 1, London.	Csgoode to Hobart. That two years ago he had asked leave to resign his office, which was granted, but at the desire of His Majesty he had continued in office for a year longer. Renews his request for leave to resign. 273
		Letter of same date on the same subject, addressed to Sullivan, with enclosure. 274
		Enclosure. Letter from Portland, dated 26th July, 1800, that his resignation was accepted and that he was to have a life annuity of £800 sterling. 275
establishment and on the to bring ee who do oy please, f of those whose per- e others, as e during a e raised at Page 37 h Fishery of North 39 exchange om Lower 45 y of Arts. 349	May 4, Whitehall.	King to Sullivan. Returns the copy of Portland's letter (p. 275); perfectly recollects the circumstances connected with the resignation. 277
	May 5, General Post Office.	Postmaster General to Hobart. Recommending that Heriot succeed Finlay as Superintendent of <i>Maitres des postes</i> in Canada. 278
		Enclosed. Application from Heriot to the Postmaster General for the office referred to, dated Quebec, 21st January, 1802. 280
		Heriot to Milnes, on the same subject, dated 28th December, 1801. 282
	May 6, London.	W. Tatham to Hobart. Offers his services generally and in particular in those premises to which the papers enclosed refer. (The correspondence relates to the culture of hemp.) 283
		Enclosed. Correspondence from 28th February to date. 284 to 287
	May 7, Whitehall.	King to Sullivan. Transmits letter, with enclosure, from Simcoe in favour of Bouchette of Lower Canada, and asks that it be laid before Hobart. 288
		Enclosed. Letter from Simcoe, dated Wolford Lodge, 2nd May, 1802. 289
		Letter from Joseph Bouchette, dated Quebec, 16th February, on the subject of his appointment. 291
	May 26, Quebec.	William Grant to Joseph Taylor, Secretary of the Society of Arts, respecting the cultivation of hemp. 293
	June 1, Downing Street.	Hobart to Elmsley. That His Majesty has appointed him Chief Justice of Lower Canada, vacant by the resignation of Osgoode; the salary to be increased to £1,500 a year. Milnes instructed to call him (Elmsley) to the Executive and Legislative Councils. 298
		Order in Council appointing Elmsley to the Executive Council. 299
	June 8, Quebec.	Ryland to Scott (?) That he should obtain from Lord Hobart a specific order for 1,200 acres for himself and for each of his family. 333
	June 10, London.	Memorial of Abraham Cayler. Setting forth his services, and praying for the Township of Hemmingford or such portion as may be thought proper, as a provision for his family, six in number. 303
the grants 47 lume from ginning at 1801 (No.	June 16, London.	Order in Council appointing Pierre Amable de Bonne a member of the Council for Lower Canada. 303
	June	Description (with illustration, 333a) of the method employed for the culture and preparation of hemp, from a paper prepared by John Taylor and laid before the Lords of Trade. 334 to 345

1802.
July 2, Whitehall. Lords of Trade (Fawkener, secretary), to Sullivan. Transmitting minute on Gale's petition relative to grants of land in Lower Canada. 304
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- July 30, London. Sir Joseph Banks to Lord Glenbervie. Details of the cultivation of hemp in various quarters. 323
- August 4, Treasury. Treasury (N. Vansittart) to Sullivan. Sends requisitions for stationery for the Civil Department of Lower Canada. 305
- August 14, Whitehall. Lords of Trade to Sullivan. To inform Lord Hobart that they see no objection to the Act, &c., relating to wills in Lower Canada. 306
- August 16, London. Thomas Dunn to Sullivan. Transmits memorial for compensation in lieu of the part of his estate in Canada of which he has been deprived by the treaty of peace. 308
Enclosed. Memorial. 309
Letter to Lady Hervey on the subject and respecting his son, dated 13th July. 313
Statement of facts by Dunn, respecting the seigniorship of St. Amand on Lake Champlain. 315
- August 17, Quebec. Monk to Hobart. Thanks for the augmentation to his salary. 317
- August 18, London. W. M. Pitt to Sullivan. Respecting the grant to Mathew Scott, and urging that steps may be taken to forward the decision. 318
Enclosed. Pownall to Pitt. Sends information respecting Mathew Scott's situation in Lower Canada. 320
- September 2, Quebec. Lanaudière to Hobart. His encouragement to lay his case before His Lordship. Had presented a memorial praying for compensation for his losses and services during the invasion of 1775, and for the loss of the estates of his aunt, Mdlle. de Ramsay. Refers to Dorchester and others for testimony of his services. Hopes for 80,000 acres, namely 10,000 acres in Dudswell, 10,000 in Bury, 10,000 in Adstock (Ascot?), 10,000 in Stanstead, 10,000 in Barnston, and 20,000 in Dittor, would not be considered too much at a time when from the disaffection of his fellow countrymen it required all the most zealous and loyal subject could give to preserve this part of His Majesty's American Dominions. 346
Memorial (in French). 352
Copy (in French) of the seizure made of the property of Charles de Lanaudière, signed by Mathew Ogden, by order of Arnold, dated 21st November, 1775. 356
Observations (in French) submitted by Lanaudière to Hobart. 358
Copy of Mdlle. de Ramsay's title. 362
- September 9, Upper Canada. Elmsley to Hobart. Acknowledges with gratitude his appointment to the office of Chief Justice of Lower Canada. Would have proceeded at once to Quebec, but as he is one of a committee to represent and correspond with General Hunter during his absence on military duty, he cannot leave till Hunter's return, which will be about the 25th. 364
- October 26, General Post Office. Freeling to Hobart. Sending extra officially a copy of Charles Long's letter to Lord Auckland on the subject of the appointment of the Superintendent of *Maitres des postes* by Milnes. 366
Enclosed. Charles Long to Auckland, 22nd October, 1802. That the offices of Postmaster General and Superintendent of *Maitres des postes* had always been conjoined, and that the appointment should be in the hands of the Secretary of State. 367
- November 2, Quebec. F. Baby to Dorchester (in French). The condition of the Militia is satisfactory to Milnes, who has notified him (Baby) that he was soliciting from the Ministry a pension of Baby in part reversible to his wife, on his death. States his services for consideration. 373
- December 8, Quebec. Milnes to Hobart (No. 40). Has communicated to the Bishop of Quebec, that the request for Communion plate, &c., would be laid before the King. Is pleased that his conduct in advancing money to enable

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1802.

December 13,
Quebec.

December 14,
Quebec.

December 18,
London.

December 27,
Dawlish.

the Commissioners to proceed with the building of the church has been approved of. Transmits Baby's thanks for His Majesty's bounty. Transmits a more correct account of imports and exports than that sent in No. 37. The total collection of *quints* and *lods et ventes* to 10th October was £2,570 8s. Shall defer further remarks until the public accounts to 5th January are delivered in, when he believes a satisfactory statement of the Provincial revenues can be sent. Page 2

Enclosed. Abstract of exports and imports from 1793. 3a

Milnes to Hobart (No. 41). Sends memorial from the members of the Scotch Church, Quebec, for ground in Upper Town in which to erect a church and also to enable them to defray the cost of building and for the support of religious worship. Has granted £50 a year to the Scotch Minister at Quebec, the same as for the one at Montreal. Should a portion of the Crown lands be appropriated for the use of the Church of Scotland in Lower Canada, it should be subject to the ordinary control of the Board for the management of the Reserves, otherwise that Church would be placed on a more independent footing than the Established Church (the Church of England). Sends also a memorial from Mr. Plessis, on behalf of the *Congréganistes de Notre Dame* for a piece of land to erect a church. The members of the Scotch Church have been allowed the use of one of the largest rooms in the Jesuit College (now the Barracks), but that will be given up when they have a separate building. The grants should be made of land within the walls of Quebec. Such a grant would rather help than obstruct the union of the Church of Scotland with the Church of England.

Enclosed. Memorial of the Congregation of the Church of Scotland in Quebec for land. The names (150 in all) of the petitioners are given. 8

Petition from a deputation of the Congregation, signed by Alex. Spark, Minister, Adam Lymburner, John Lynd, Peter Stuart, William Grant, James Tod, John Mure, J. Blackwood, Francis Hunter, W. Holmes, John Purss. 15

Petition (in French) by Rev. J. O. Plessis, on behalf of the *Congrégation de Notre Dame*. 18

Milnes to Hobart (No. 42). Encloses Colonel Mann's memorial for a grant of land; his services; the report of Council on his memorial also sent. Sends with remarks, Young's memorial, which states the reason why he did not follow up the order in his favour of 2nd January, 1796. 23

Enclosed. Memorial of Col. Gotther Mann. 25

Report of a Committee of Council on the same petition of John Young. 27, 28

Reports of Committee on same. 31, 32

Attorney and Solicitor General. Recommending Legislation to enable trials of offences committed in the Indian territory to be held in Lower Canada. 371

W. M. Pitt to ———. Has had no answer respecting Gambier's Chief Justiceship, asks him to communicate Addington's answer. Desires to know whether it is Hobart's wish to discourage the grants of land in Canada or to encourage useful men to go thither. If the former, he has nothing to say, if the latter, he has two or three good men to recommend who might succeed admirably there, who have been officers of merit, one especially of talents fit for any purpose; which he details, yet he was reduced to the greatest indigence, through no fault of his own. The other cases are not so deplorable. If permanent employment could be found for him had no doubt his friends could raise £300 or £400. Scott's gratitude. The Bishop of Quebec is going to ordain him. He, his wife and eight children owe their promised affluence to Hobart's benevolence. 377

1802.
No date.

List asked for by Mr. Woodford, of the officers, &c., led by de Puisaye, with certificate signed by W. Windham. The list is endorsed:—"Memorandum Rt. H. W. Windham, Mr. de Puisaye, &c., &c. Free denizens. Canada." Page 369

LIEUT. GOV. MILNES—1803.

Q. 91.

1803.
January 5,
Quebec.

Milnes to Hobart (No. 43). The commission for the trial of marine felonies has not yet reached. Has informed the Commissioners for building the Metropolitan Church at Quebec of the King's intention to give Communion plate, &c., and that instructions had been sent to the Treasury to provide and forward the same. Asks that a pulpit cloth be added. Sends the dimensions of the cloths required. 2

Enclosed. Dimensions of the cloths required:—Pulpit cloth; length 3 yards, breadth 1 yard, including fringe. Small desk; length 1 yard, breadth $\frac{1}{2}$ yard, including fringe. Front for reading desk; length 3 yards, breadth 1 foot, including fringe. Altar cloth; length 3 yards, breadth 1 foot, including fringe. 4

January 5,
Quebec.

Milnes to Hobart (No. 44). Sends minutes of Council on State business between 28th May and 29th August. 5

Minutes, 28th May, 1802. Report respecting the sale of the residue of townships in which grants have been made, with journal. 6

Report on the propositions of Philemon Wright on the culture of hemp, with journal. 15

Report on the petition of Alexander Mann, ship builder, for a lease of the King's Wharf. 20

Minutes, 27th July. Report on proposed advertisement for the sale of waste land, with journal. 22

The communication of the signature and ratification of the treaty of peace laid before the Council, with proclamation for a day of Thanksgiving. 24

Minutes, 11th August. Confirmation by His Majesty of three Acts passed during last session, with proposed proclamation. 28

February 2,
Quebec.

Milnes to Hobart (No. 46). The Legislature to meet on the 8th instant, has summoned Elmsley and Williams to the Legislative Council, but owing to the death of Finlay and absence of others, the number of English members in the Province will still be two less than usual during the present session. The "Cureade" has arrived at Halifax, but the commission for the trial of marine offences has not yet been received. 59

February 2,
Quebec.

Same to Portland (No. 45). Sends minutes of Council on Crown Lands between 26th July and 11th August. 31

Minutes, 26th July. Report on petition, with journal to 7th August. 32

(See alphabetical list.)

February 9,
Downing
Street.

John Sullivan to Milnes. Asks for Hobart's information, whether in event of an arrangement between Government and Lord Amherst respecting the Jesuit estates there would be any objection to the seigniority of La Prairie de la Madeleine being vested in Amherst on condition of his resigning, for a consideration, all pretensions to the other parts of the estates. Should there be any material objection could any other seigniority be pointed out to be reserved for the purpose mentioned, if so describe it and state the reasons for recommending the one and objecting to the other. 61

(For date in the margin see answer from Milnes of 31st May, p. 159.)

de Puisaye,
endorsed:—
, &c. Free
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1803.
March 1,
Quebec.

Milnes to Hobart (No. 47). Sends copies of speech at the opening of the Legislature, of the addresses and his answers. Page 62

Enclosed. Speech at the opening of the Legislature. 63

Address by the Council. 66

Answer. 68

Address by the Assembly. 69

Answer. 72

March 1,
Quebec.

Milnes to Hobart (No. 48). Sends minutes of Council on Crown Lands between 12th August and 2nd February. 73

Minutes. Reports, with journal, of the Committee on Crown Lands. 74 to 116

(See alphabetical list.)

March 30,
Quebec.

Milnes to Hobart (separate and secret). Sends correspondence relating to Heriot's demand to be appointed to the position of Superintendent of the *Maitres des postes*, in order to meet the statements made by him; the correspondence enclosed. 117

Enclosed. Heriot's letter to Milnes, dated 21st March, that the only eligible method of conveying the mails was by the use of the post houses; that Taschereau can send no assistance towards this and that the superintendence should be on his (Heriot's) hands. A better situation might be found for Taschereau. 121

Another letter from Heriot, dated 25th March, on the same subject of the transfer of the office of Superintendent from Taschereau to him (Heriot). 123

Letter from Heriot of same date, giving reasons why the couriers should not pay the *Maitres des postes* the same fare as that allowed for ordinary travellers. They are satisfied with the rates allowed. 125

Hobart to Milnes, 1st December, 1802. Hopes that an office with a salary equivalent to that of Superintendent of post houses might be found for Heriot. 128

J. Stuart to James McGill and John Lees, 26th March, 1803, for information respecting reported dissatisfaction on the part of the *Maitres des postes*. 129

Answer, same date, that the *Maitres des postes* were dissatisfied, 1. Because they were not sufficiently paid for the post office couriers, who frequently carried an unreasonable weight of baggage. 2. That travellers did not employ them when the roads were good, but did so when they were bad, and they were obliged to keep horses unemployed a considerable part of the year. 130

Heriot to Milnes, 21st March. Proposes to change the hours for the departure of the mail couriers so as to secure greater expedition. The New York agent's explanation of the delay in forwarding the British mails. 132

Extract from the New York agent's letter explaining the delay in forwarding mails to Canada, 24th February. 133

Jas. Stuart to Heriot, 21st March. His Excellency has no objection to the proposed change in the time of the departure of the mails. 134

Milnes to Hobart (No. 49). Sends speech on proroguing the Legislature, with a schedule of the Acts passed during the session. Will comment in a separate dispatch on the Act relating to the Militia. It authorizes the Governor to expend £2,500 annually as he shall judge expedient towards the formation of an efficient Militia; other and new powers are granted. The Act is limited to four years' duration. Hopes it may lay the foundation for an advantageous system. 135

Enclosed. Speech on prorogation. 137

Schedule of the Acts passed during the session. 139

May 26,
Quebec.

Milnes to Hobart (No. 51). Has continued to advance money for the building of the Metropolitan Church, but without authorizing any

1803.

deviation from the original plan which could increase the cost. The Commissioners have sent a second representation that the estimate has fallen short of what will be absolutely necessary to complete the building. The impossibility of making correct estimate of the cost of erecting stone buildings is an inferior character owing to the infant state of the Colony. The error taken by Captain Role in his superintendence of the work. Page 141

Enclosed. Statement by the Commissioners of the expense already incurred in building the church, with an estimate of the amount still required and a description of the building. Their care to keep down the expense. 143

Ryland to the Commissioners. Their representation shall be transmitted to His Majesty. The difficulty of estimating the cost of building; is convinced that every attention has been paid to restrict the expense. 146

Table showing the actual expenditure and the prospective additional cost. 146a, 147 to 149

Description of the church. 150

May 31,
Quebec.

Milnes to Hobart (No. 52). Dispatches received. Shall give careful attention to the eligibility of establishing a chartered company for the Fur Trade, but as yet is not prepared to give a decided opinion. Had communicated to Heriot the wish of the Postmaster General that he should co-operate with Taschereau. Heriot, however, had previously taken measures that rendered this unnecessary. There is no land within the walls of Quebec for sites for the Scotch Church and for the Congregation of Notre Dame, except that belonging to the Jesuit estates. This site occupied by the Jesuit Church might be given for both, as it must be pulled down owing to its ruinous condition. The relinquishing of the rooms in the Jesuit Barracks by these two bodies of worshippers seems a reason for granting them land on which to erect their respective churches. 154

Ryland to Heriot. To co-operate with Taschereau in respect to the post-houses. 157

May 31,
Quebec.

Answer. Plan of Jesuit estates in the City of Quebec. 158, 158a
Milnes to John Sullivan. Asks for new sets of Mediterranean passes. Shall give the most serious attention to the question of an arrangement between Government and Lord Amherst respecting the Jesuit estates. Has just received accounts from the Commissioners of their annual product since they were taken possession of by Government, so that he hopes to give his sentiments by next opportunity. Regrets that the Canadian oak has not proved of the quality required by the navy. Hopes, however, that Osborne's efforts to establish commerce in this and other timber may conduce to the essential increase of the trade of the Province. Gentlemen whose Mandamuses are still lying at the Secretary of State's office have been informed that they should direct their agents to apply for them. 159

June 1,
Quebec.

Same to Hobart (secret). With papers respecting an apprehended attack on the Province. Although he sees no ground to apprehend any serious attack, yet the unablence of the military force may encourage intriguers. 161

Enclosed. G. O. Bradford to the Attorney General, dated Montreal, 5th May, that six or eight men with commissions from the Republic of France has arrived, having been lately under the command of Humber in Ireland; two were French, two Scotch, the rest Irish. Their language evinced hostility to the British Government. 163

Ryland to John Richardson, J. P. That he is to investigate the reports sent by Sullivan, with whom a correspondence may be opened. 164

1803.

Material circumstances stated by Daniel Sullivan of St. John's, addressed to Ryland, dated Montreal, 12th July, 1803. Repeating the conversations he overheard and the information he obtained of the designs of men who were employed by the French Government to carry out intrigues against Canada. Two Canadians, Pailleur and Mezières had joined the French officers at Concord, New Hampshire. Description of the two Frenchmen Laeroix and Leclerc and of McGinnes and McDonald, all four holding commissions from the French Republic.

Page 169

Extract of a letter from John Richardson to Ryland, dated 16th May, that he had received warning from Auldjo to be on the look-out for emissaries sent from France to Canada by Bonaparte. Two of them are de Léry, an officer of French artillery, and Villeray, Canadian born, the latter of who will come under pretext of seeing his friends.

170

Justice Parent to Ryland, 24th May, 1803. Sends extract of letters from France to show that the French had the acquisition of Canada as much at heart as that of Louisiana.

171

Milnes to Hobart (No. 53). Sends exemplifications of Acts passed last session, of which a schedule and copy of the journals of the Legislative Council are enclosed. The regulation of the Militia was strongly recommended to the Legislature by Lord Dorchester, in 1796 (p. 223). Remarks on the bill as now passed and its effects. Fears it cannot be carried into complete execution whilst the regular military force is not more imposing. The good effect of reviewing the Militia, which he shall continue. Has encouraged the formation of Volunteer companies, of which three are already formed at Montreal, clothed at their own expense; three more are about to offer at Quebec, and one at Three Rivers. Hopes by these means that the backwardness to serve may be gradually got the better of. Refers to correspondence with Portland in 1800-1801; it may be desirable, after certain progress shall have been made, to grant additional pecuniary aid; in the meantime, asks for authority to receive from His Majesty's stores only such arms as may be wanted for the use of the Militia, accoutrements and clothing for 1,200 men having been already provided.

174

Enclosed. Alphabetical index to the provisions of the Acts passed during the late session.

179

Extract from Lord Dorchester's speech to the Legislature, 20th November, 1795, respecting the Militia.

223

Extract from Portland to Dorchester, dated 6th January, 1801, on the same subject.

224

Proclamation to give effect to the three Acts, respecting the decisory Act, the removing the old walls, &c., of Montreal, and the establishment of Free Schools reserved and now assented to.

227

Proclamation formally proroguing and calling together the Legislature.

229

Journal of the Legislative Council.

231 to 235

Milnes to Hobart (No. 54). The destructive fire at Montreal, by which fifteen houses in the suburbs were damaged and about the same number were consumed, together with the English Church, the common gaol, a small chapel adjoining, and the Roman Catholic college. Details are given in a letter from the magistrates, which he encloses.

296

Enclosure. Magistrates' letter of Montreal to Ryland, dated 9th June, 1803, with details of the fire.

297

Milnes to Hobart (No. 55). Encloses letter from Isaac Winslow Clarke and of the report thereon by Committee of the Council. His present claim rests on the ground of the expense incurred by him in promoting the views of Government with regard to the culture of hemp in the Province. The small return to be expected from his outlay, in

June 13,
Quebec.June 13,
Quebec.

1803.

which he had been encouraged on account of the recommendation to that effect of the Duke of Portland; sends extract from letter to that effect addressed to His Grace, and also from speech to the Legislature. Out of £1,200 Clarke received £200 to carry on the experiment, but had been gradually led on to a much larger expense. Solicits His Grace's approval of the recommendation of the Council, that in consideration of his exertions, Clarke may obtain a grant of Crown lands. Much ground has been prepared this spring for sowing hemp, but it has been impossible to obtain seed. 300

Enclosed. Clarke to Ryland, 31st July, 1802, giving an account of his operations in conducting experiments on the culture of hemp and the cause of the large expense incurred. 303

Note of expenses incurred in the culture of hemp on various pieces of ground in the vicinity of Montreal in 1801, and for dressing the same, shipping for London, gathering and cleansing seed, &c. 306

Minute of Council, 29th April, 1803, recommending a grant of land to Clarke for his expenditure on the culture of hemp. 308

Milnes to Portland, 13th August, 1801, relative to the culture of hemp in the Province. Had experiments to be made, and had employed Clarke for the purpose. 311

Extract relating to the culture of hemp from speech delivered by Milnes to the Legislature, 11th January, 1802. 313

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LIEUT. GOV. MILNES—1803.

Q. 92.

1803.
June 6,
Sans-Brut.

Bishop (Anglican) of Quebec to Milnes. Sends with reluctance on account of the ecclesiastical state of affairs in the Province, not because he doubts the importance or urgency of the matters to be laid before him, but because the time may seem ill chosen, when His Majesty's bounty is largely employed in completing a Metropolitan

1803.

Church, but he feels impelled to surmount his scruples and submit several points of immediate moment. The instructions and other documents show the uniform decision to establish the Church of England in Canada. This, he need not observe, has been very imperfectly effected. Considered with respect to the establishment of the Church of Rome, the Church of England sinks into a merely tolerated sect, with not a shilling of revenue it can call its own, without laws to control its members or regulate its vestries, without provision for organizing an ecclesiastical court, or power to enforce its decisions, and what is worst, without a body of clergy capable, either by number or authority to maintain their own usefulness or support the dignity of a church establishment. Is aware that local laws, &c., must be looked for from the Provincial Parliament, but as at present constituted, the Church of England must not expect any material assistance from it, unless it be first raised from its present depression and derive from the proper authority the weight which can alone give it its constitutional preponderance as the established religion of the country. Wishes to have it determined:—1. Whether the church now building in Quebec, be a metropolitan or merely a parochial church, and be left without a chapter, or some portion of the dignity which should constitute its appropriate character? If a parochial church merely, whether the intention of establishing the Church of England in Canada and of supporting a Bishop's see will not be totally abandoned. The advantages of this establishment, which would extend not merely to Protestants of Lower but also to those of Upper Canada. The majority in both Provinces are dissenters. An effectual and respectable establishment would go near to unite them all within its pale. He would say nothing of its religious benefits, but the political advantages would be incalculable. Another advantage would be the facilitating of the supply of clergy for reasons given. The salaries of the Rectors of Quebec and Montreal are too low, never having been increased since first fixed, although the necessities of life cost three times what they did then, now £200 a year is very inadequate to the support of a respectable rank in society in these cities, with so many demands for charity, &c. At Three Rivers, the salary being the same as in Quebec and Montreal is enough at present, but that at William Henry (£100) is certainly too low. There is next the want of jurisdiction in the Bishop, instances being given of the evils of this. Suggests that a corporation consisting of the Bishop, the Dean and chapter and other clergy should be constituted for the management of the Clergy Reserves, the income to be at the disposition of the Governor and Council of each Province, and that the Bishop and chapter should be endowed with a portion of the Crown Lands. Vindicates his motives for the application, after the ample provision already made for the support of a Protestant clergy, the prospect of a revenue from the reserved lands is yet entirely future, and that as it increases it would not augment the income of any individual. Refers to successive acts for erecting the Provinces into a Bishop's see, to be called the Bishopric of Quebec, at the same time forbidding the assumption of the title of Bishop or the exercise of any episcopal or vicarial powers within the Province, by any person professing the religion of the Church of Rome, except such as are necessary for the free exercise of that religion, and that only by license from the Governor. But the Superintendent of the Church of Rome is in the enjoyment of all the power and privileges of episcopal authority under which he visits not only this Province or that of Upper Canada, but the Provinces of Nova Scotia and New Brunswick, under the immediate sanction of the Pope's bull. His assumption of the title of Bishop of Quebec. If publicly acknowledged what becomes of the diocese

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proposed to be established? The solecism and danger of two dioceses of different religions with the same name. The continuance of this state of things would be the virtual acknowledgment of the Pope's Bishop and a contravention of the laws and constitution of the country, to perpetuate the law of error and to grant an indulgence to the Canadians more injurious to themselves than even to the English inhabitants. Beseeches that he may not be considered under the influence of an intolerant and uncharitable spirit but attached to the Church of England, it is his bounden duty to watch over her interests, and unless both the positive and relative situations of the Church of England be radically changed all reasonable hope of maintaining the establishment of that Church will be irrevocably lost, and the Roman Catholic religion to all intents and purposes the established religion of the country. Page 253

Enclosed. Appendix A.—That there are 1,300,000 acres now under patent and 2,000,000 will probably soon be added, so that it was evident that at no distant period the Protestants in the Province would outnumber the Papists. The population of Upper Canada is now 60,000 or 80,000, with an annual influx of 500 families. 271

B.—Respecting the title assumed or attributed to the Bishop of Quebec, with instances of the title being applied. 272

C.—Title of collection of the Epistles and Gospels, the approbation signed by the Bishop, with the title "*Approbation de Monseigneur, l'illustrissime, reverendissime Pierre Denaut, Evêque de Québec.*" 274

D.—Titles of religious works *à l'usage du diocèse de Québec.* 274

June 21.
Quebec.

Milnes to Sullivan (No. 2). Gives his opinion respecting the arrangement between Government and Amherst on the subject of the Jesuit estates. Encloses report made by the Commissioners for their management, abstract of the accounts of the agents, from the 16th July, 1800, to 1st April, 1803, and memorandum of the produce of the estates for that period. From these it appears that the produce of the seigniory of La Prairie de la Madeleine for one year is £637 16s. 5d., more than double of all the rest put together, the net average produce of all the estates is £968 10s. 4d., deducting the expenditure which will in time not be so considerable and when more lands are conceded and mills put in better repair the estates will rise in value. If it is intended to provide a fund for public education, the residue, after deducting La Prairie will not prove adequate. He believes, therefore, it would not be advisable to make a division of the property, but if the estates are to become the property of Lord Amherst, an established annual sum may be appropriated by Government as a foundation for a public seminary, the importance of which in policy and otherwise, he has frequently stated. 2

Enclosed. A.—Report from the Commissioner for the Jesuits' estates. 5

B.—Abstract of the Agents' accounts. 9

C.—Memorandum of the produce for three years. 10

June 22.
Quebec.

Milnes to Hobart (No. 56). Sends memorial from Dunn, applying for leave to resign and for a pension. Recommends that the application be granted. Dunn proposes to remain for one or two years longer, but desires to have a decision to enable him to make arrangements. 11

Enclosed. Memorial from Thomas Dunn. 13

June 24.
Quebec.

Milnes to Hobart (secret). Had received circular with messages sent to Parliament and addresses in reply. Should war with France be renewed, he shall take steps to have the Alien Bill revived by calling the Legislature together, urging them to renew that Act and the Act for the preservation of His Majesty's Government, the more important on account of the reported introduction of spies. Shall in the meantime suspend taking any material steps towards raising the Militia. Believes that the Canadians are much more reconciled to the British Government

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than at any former period, and has no doubt that when the Militia Act is carried into effect it will be the means of increasing their confidence and of forming a connection between the Executive power and the bulk of the people, but it would be hazardous to make a material change except in time of profound peace, especially now when the military force is so inconsiderable, not exceeding 1,000 men. How the force is distributed. In the event of war with the States, does not doubt but that the Canadians would turn out against the enemy, but against the French it might be different. The navigation of the St. Lawrence has been probably a security hitherto, but such an attempt on the part of the present rulers of France is more to be expected; besides the interruption to trade, the value of military stores in Quebec, upwards of a million sterling, would be an object, and it is probable they are informed of this and of the inconsiderable garrison. Page 16

June 30,
Quebec.

Milnes to Hobart (No. 57). Sends minutes of Council on State business, between 30th August, 1802, and 17th February, 1803. 20

Minutes, 30th August. Report, with journal, of Committee on the petition of Isaac McCallum and others, respecting properties in Quebec. 21

Report on Public Accounts, beginning 11th October, 1801, with journals and details. 24 to 67

Minutes, 2nd October. *Mandamus* in favour of De Bonne presented, when he took the oaths as an Executive Councillor and as a Judge in the Court of Appeal. 68

Proposed instrument appointing Commissioners for removing the old walls of Montreal, ordered to be engrossed. 69

Minutes, 12th October. Case of George Perrell, a seaman, confined for murder, referred to a committee. 69

Three negroes reported to be also confined on the charge of being accessories. 70

Dispatch, with minutes, from the Lords of Trade respecting Gale's petition. 70

Minutes, 26th October. Report of Committee on the case of George Perrell, a seaman confined for murder. 75

Minutes, 29th October. Chief Justice Elmsley took the oaths and his seat as a member of the Executive Council, and also the oaths as a Judge of the Court of Appeal. 79

Minutes, 9th November. List of debts due to the late lessees of the King's posts ordered to be lodged of record. 81

Milnes to Hobart (No. 58). Sends minutes of Council on State business between 18th February and 2nd March. 83

Same to same (No. 59). Sends four reports and other documents, explaining the occurrences, which have given rise to the new regulations respecting mutation fines. The large increase in the revenue from this source, and the want of a check on the collection have led to errors and omissions, in some instances prejudicial to the revenue, in others to the collector himself. Report by Council on the remedy. Objections made by the Receiver General to his (Milnes') interference respecting the mutation fines, the objection being founded on the instructions in his commission (quoted). The acts of grace in the remission of fines being direct from the Crown should come directly from the person administering the Government, as His Majesty's representative. Had referred the subject to the Attorney General and transmits his report. Report of the Council in consequence of observations on the subject by Coffin, Inspector of Public Accounts, referring to the want of documents to check the Receiver General's account of mutation fines. The Council reported that the power of ascertaining in the first instance the mutation fines should be invested in the Inspector of the King's domain, and that the acts of grace should proceed from the person administering the

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Government. The situation of the Inspector having lately become vacant, had annexed it to that of the greffier of the *papier terrier* (registrar of the land roll, or land registrar). The propriety of uniting the two offices. Had ordered the Receiver General to communicate with the new officer, Mr. Plante. Sends various documents and explanations of transactions connected with mutation fines, &c. Page 84

Enclosed. Schedule of papers. 99

A.—Report of Committee, with remarks of the Inspector of Public Accounts on the Receiver General's statement, his answer and the Inspector's letter. 101 to 108

B.—Attorney General's report, 28th December, 1802. 109 to 114

C.—Instructions to the Inspector of the King's domain, 10th May, 1803. 115 to 117

D.—Inspector of Public Accounts, 7th May. 118

E.—Extract. Lieut. Governor's salary to the Receiver General, 17th May. 119

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K.—Report of Committee, 23rd June. 134 to 137

L.—Memorial from Receiver General to Treasury, 16th May. 138 to 141

M.—Attorney General to Lieut. Governor, 26th June. 142 to 145

N.—Report from Attorney General, 20th June. 146 to 148

O.—Inspector of Public Accounts to Lieut. Governor, 12th March. 149 to 158

July 1,
Quebec.

Milnes to Hobart (No. 60). Sends proposed bills to secure titles to lands, when the property has descended, or been transferred to *bona fide* purchasers before any grants issued. The question of the law affecting descent and dower, the Chief Justice thought should first be settled, namely, whether those arising from lands held in free and common socage were to be governed by the laws of England or those of Canada, before the proposed bill should be brought forward. Had referred the question to the Judges of the King's Bench in Quebec and Montreal, five of whom are of opinion that questions respecting lands so granted are governed by the laws of Canada. From the want of unanimity, has transmitted their opinions, to be submitted to the Law Officers or other competent authority. In the meantime, the bill shall stand over. 159

Enclosed. Opinion of Chief Justice Sewell and Justices Dunn and Williams, on the question whether lands granted in fee and common socage will be governed in respect to descent and dower by the laws of England or those of Canada; the lands they hold to be governed by the laws of England. 161

Opinion of Chief Justice Monk and Justice Panet, that the law of Canada governs the descent, &c., of such lands. 171

Opinion of De Bonne, similar to that immediately preceding. 175

Opinion of Ogden, that the laws of Canada do not govern the descent, &c., of such lands. 182

Opinion of Davidson, that the laws of England govern. 196

July 1,
Quebec.

Milnes to Hobart (No. 61). Has granted the Chief Justice leave to go to England. The settlement of his affairs may be the means of insuring to the province the advantage of his future services. 203

Enclosed. Elmsley to Milnes, 6th June, for leave of absence. 204

July 5,
Quebec.

Milnes to Hobart (No. 62). Sends report of Council respecting the appropriation of Crown lands or their revenues for the foundation

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August 3,
Quebec.August 12,
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Quebec.August 15,
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and endowment of schools, &c. Recommends the adoption of the plan proposed.

Enclosed. Extract of letter from Portland, 12th July, 1808. Page 205
respecting provisions for education in Lower Canada. 207

Report of Council on the extent of lands that should be appropriated for the endowment of schools, &c. 210

Milnes to Hobart (No. 63). Has received no communication from the Admiralty respecting the issue of letters of marque; has referred the question to the Attorney General. On receiving news of the resumption of hostilities had called the Legislature together. Encloses copies of the speech and addresses of the two Houses, which met yesterday. The excellent disposition of both Houses. 225

Enclosed. Attorney General's report respecting the issue of letters of marque. 227

Lieut. Governor's speech on the opening of the Legislature. 229

Address from the Legislative Council. 231

Answer. 233

Address from the Assembly. 234

Answer. 237

Milnes to Hobart (No. 64). Prorogued the Legislature on the previous day after assenting to bills noted in the schedule. Sends copy of his speech. The Alien bill and that for the preservation of His Majesty's Government were passed with alacrity and a more loyal spirit was never manifested. Alarming fires in Montreal, believed to be designed and not accidental. At the desire of the Magistrates a proclamation has been issued with the object of discovering the incendiary or incendiaries, offering a reward of £500, besides what has been offered by the Magistrates. 238

Enclosed. Schedule of Acts (four in number) passed during the session. 240

Speech from the Lieut. Governor. 241

The Magistrates of Montreal, dated 8th August, respecting supposed incendiary fires. 243

Proclamation offering a reward for the discovery of incendiaries. 245

Abstract, dated 8th August, describing additional alarm of fire. 247

Milnes to Hobart (No. 65). Transmits letter from the Bishop (Anglican) of Quebec respecting the situation of ecclesiastical affairs in the Province. The Bishop gone so fully into the subject as to leave little to say; besides as it is subject to His Majesty's determination would consider it unnecessary to do more than transmit the statement. Owing to the high character of the Bishop recommends his application. 251

(The enclosure of 6th June, calendared at its date).

Same to same (No. 66). Forwards memorial from the Marquis Dubarail, whose conduct during his residence in the Province has been perfectly correct. 279

Enclosed. Memorial (in French) from the Marquis Dubarail, stating his fidelity to his King, his retreat from Gaudaloupe, his services when attached to the British forces and asks employment or subsistence. 280

Hobart to Milnes (No. 16). Sends authority to the Council to make a grant of 5,000 acres to Gother Mann. The order of half a township to Young and associates is not to be acted upon, but he may receive as favourable a grant as the regulations will admit. The site on which the Jesuit Church stands to be granted to the members of the Scotch Church and the Congreganistes of Notre Dame. The necessity for caution in carrying into effect the provisions of the Militia Act, but as it becomes understood it will be the means of increasing the confidence of the Canadians in Government. The attention he (Milnes) has given to the subject will

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enable him to judge of the proper period for bringing forward the measure. He is authorized to receive from His Majesty's magazines at Quebec the arms necessary for the Militia. The establishment of volunteer corps equipped at their own expense may be of advantage if proper care be taken in the selection of officers and admission of none but responsible persons; they must not be multiplied without caution. The recommendation of quarter of a township to Isaac W. Clarke for his expenses in the culture of hemp has been approved. Has no doubt that instructions will be sent by the Treasury to the Receiver General in respect to mutation fines. The question as to whether lands in free and common socage are to be governed, in respect to descent and dower, by the laws of England or of Canada has been referred to the Law Officers of the Crown. Sends copy of Act extending the powers of the Courts in Lower and Upper Canada to the trial of persons charged with crimes in parts not considered within their jurisdiction. His Majesty has consented that appropriations of land may be made for the establishment of a seminary at Quebec and another at Montreal. Page 218

September 9,
Montreal.

Milnes to Sullivan. Transmits a paper to be laid before Hobart, received from the gentlemen at the head of the North-West Co., which has succeeded in opening a communication with the North-West through British territory, so that the traders are no longer compelled to carry their peltry through any part of the United States, so that a source of misunderstanding will be removed. The new North-West Company, consisting of Sir Alexander Mackenzie and others have also opened a communication by cutting a road in a line nearly parallel to the canal made by the old company. Recommends McGillivray, a member of the first company, who is going to England, and can give full information respecting this important branch of trade. Calls attention to the promise of Hobart, to erect a competent tribunal for the trial of offences committed in the Indian territory, without the limits of the two Canadas. 283

Enclosed. Report by McTavish, Frobisher & Co., dated 1st September, 1803. The line to the North-West, established by the treaty of 1783, compelled traders to go as far as Lake of the Woods as United States territories, particularly at the Grand Portage and on the Straits of St. Mary. The formation of the North-West Company, in the winter of 1783-4; their explorations under the sanction of Haldimand, of the route by Lake Nipigon, which was found to be too circuitous and difficult. Until 1796, the North-West Company remained unmolested at the Grand Portage, but after the cession, in consequence of duties, &c., imposed by the United States, it became necessary to open up communications with the North-West, through British territory. A survey was, therefore, made on the north side and a canal built for boats between Lakes Huron and Superior, with the impediment of only one lock. Before the change of the general place of rendezvous to bring it within British territory, several voyages were undertaken by the agents and partners to explore the country, and the route finally determined on in the summer of 1802. Men have been employed making roads, &c., and the business is now carried on with much greater ease than by the Grand Portage. The new establishment lies about 50 miles north-east of the Grand Portage, at the mouth of the Kaministiquia, which falls into Thunder Bay on Lake Superior. The river at the fort is three fathoms deep at the banks, 200 yards across. The French had a small station near the spot, but they never made it a road of communication to prevent broils with the Indians. The Company, with the approbation of the Governor of Upper Canada, purchased in the year 1798 from them the lands to the north of St. Mary's, and at the mouth of the Kaministiquia, but Government has not yet confirmed these grants,

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notwithstanding the exertions of Simcoe. The advantages of the new route are thus stated:—"To render the North-West trade perfectly independent of the Americans, being far removed within our own territory. It avoids the great expense attending the transport of goods across the Grand Portage, as the carrying places by this route are not longer than by the old route, leaving out the Grand Portage entirely, which is nine miles long. There are fewer lakes, consequently the canoes will be less subject to stoppage from high winds. The country is more fertile in soil and richer in animals; and what much more agreeable to the traveller. It falls into the old track in Lac de la Croix, near Lac de la Pluie, about 300 miles from Lake Superior, and Montreal canoes can be made to navigate it, a thing impossible by the old road."

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October 18,
Quebec.

Milnes to Hobart (No. 67). Sends requisition for goods for presents to the Indians. 291

Enclosed. Requisition. 292

October 18,
Quebec.

Milnes to Hobart (No. 68). Sends minutes on State business from 23rd March to the 13th September and on Crown Lands from 24th March to 29th July. 295

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Report on petition of James Tod respecting a lot in Lower Town, Quebec. 299

On petition respecting part of the breach in Lower Town, and petition in opposition by citizens of Quebec. 299

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Minutes, 29th July. Report on petitions from Mathew Scott and others. 378

Milnes to Hobart (No. 69). Sends Naval Officer's returns of vessels entered and cleared at Quebec, between 5th July, 1802, and 5th January, 1803. 381

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Hobart to Milnes (separate). After considering the important topics in the communication of the Bishop of Quebec, and with every disposition to pay due attention to his suggestions it is not thought expedient to agitate questions which might excite differences between the heads of the Protestant and Roman Catholic Churches. It is desirable that he (Milnes) should point out to the Bishops the propriety of abstaining from acts that might cause irritation in the minds of the clergy or of the persons professing the religion they respectively superintend. The Catholic Bishop should be informed of the impropriety of assuming new titles or additional powers, and that it is expected such should not be persevered in, if any have been recently taken up. The French emigrant priests should understand that they are only here on sufferance and that the indulgence shown them is liable to be withdrawn, if they show themselves undeserving of it. The importance of inviting all Protestant dissenters within the pale of the Church of England. The policy of fixing the seat of the Protestant Church in Upper Canada to be considered. Desires him to send a return of the incomes of the livings in Lower Canada, with details. Desires additional information on the subject of his dispatch to Portland of the 1st November, 1800. The plan for the establishment and endowment of an extensive institution for education, by the erection of seminaries in Quebec and Montreal will tend to promote the objects recommended by the Bishop of Quebec. It seems desirable to postpone the consideration of other matters he represents as highly interesting to the Protestant Church establishment, until a more favourable opportunity. 275

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January 9,
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1803.

January 19,
London. }

Captain Isaac Coffin to Hobart. Had been granted the Magdalen Islands in 1798 and received the patent from the Governor of Quebec. The settlers on the Islands are under the belief that they are subject to the Government of Newfoundland instead of that of Lower Canada, as the Admiral on that station has been in the habit of exercising territorial jurisdiction. Asks that it be signified that these Islands belong to Lower Canada and that the Governor of Newfoundland is not permitted to exercise any authority in them. Page 119

January 29,
London.

F. Freeling, General Post Office, to John Sullivan, Under Secretary. It is evidently the recent separation of Superintendent of Post-houses from that of Deputy Postmaster General has caused inconvenience and that more may be expected. The mischief caused by the double service, if the *Maitres des postes* are to be confined to the duty of carrying passengers, instead of both mails and passengers when under one control, which gave Government a cheaper service. It will probably be necessary to give some additional allowance for carrying the mails, but it is for his (Sullivan's) department to determine whether any good reason has been given for separating the services of forwarding the mails and conveying passengers, or if it would not be better to confirm the long established practice of having them united. If the latter the instructions to Heriot could be framed accordingly. 120

February 1,
London.

Paul LeMesurier to Sullivan. Had sent about two years ago, a memorial from Philip Robin, who desired to settle some of the uncleared lands in Lower Canada, and particularly to engage in the culture of hemp, and for this purpose asked for a grant of 20,000 acres. The memorial, which asked for some pecuniary assistance. No report was received at the time the transfer of the affairs of the Colonies was made from the Home Office; asks if one has been since made. Robin has since spent another winter and summer in Lower Canada at the fishing grounds and having returned, renews his request for a township of 20,000 acres in Molle Bay, immediately south of Gaspé Bay, between 48° 10' and 48° 12' north latitude being the same spot as that prayed for in his former memorial, and is still uncleared. Robin engages to clear, settle and cultivate the land in such time as Government shall require. The good character of Robin, his energy, &c. 124

February 15,
Quebec.

Elmsley to Hobart. Transmits memorial to have his house in York bought by Government for public uses, and states the causes that have led to the deterioration of his private fortune. 128

Memorial. 133

February 20,
Quebec.

Elmsley to King. Further about the application for the sale of his house in York. 134

February 21,
London.

Thomas Dunn, memorial for leave to retire on a pension, after 40 years' service. 137

February 23,
London.

Commissioners of the Navy to Sullivan. That the sample of oak sent by Milnes is not suitable for building or repairing ships in the Royal Navy. 142

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Coffin to Lord St. Vincent. That he had applied to have the Magdalen Islands officially declared to be part of Lower Canada. The grant and other papers are in Halifax, which obliges him to resort to this measure and requests His Lordship to remind Lord Hobart of his services, &c. 143

List of Seigniories, &c. 139

rel.
Whitehall.

Sir Stephen Cottrell to Sullivan. Encloses memorandum of the Lords of Trade on the claims of D. Coxe, respecting lands mentioned in *Man- damus* of 176. 145

Enclosed. The memorandum referred to. 146

May 17,
Whitehall.

W. Fawkenor to Sullivan. Minute of the Lords of Trade on Act for regulating the police in Quebec, Montreal and Three Rivers. Pointing out the impropriety of the clause delegating to the magistrates the power of imposing pecuniary fines for breaches of the law. It might be inexpedient, as there have been similar powers in previous bills, to disallow the present Act, yet the attention of the Governor should be called to the subject. 148

May 19,
London.

John Brickwood, jun., to John Sullivan. Transmits documents relative to Canadian hemp and oak timber. 150

Enclosed. Observations on Canadian hemp by W. & G. Fowler, twine and net makers, Bridgeport. 151

The same by Robert Rich, rope maker, Dockhead. 154

Remarks by several ship builders on the quality of Canadian oak timber, and the uses to which it can be applied. 156

May 28,
Quebec.

Elmsley to Sullivan. Sends duplicate of letter of 15th February. Had been under the impression that the memorial (copy of which was then sent) should have been transmitted through the Governor, but General Hunter had declined to forward it. 157

June 4,
Treasury.

Sargent to same. Transmits letter from Fawkenor, relative to a petition from Daniel Coxe respecting lands. 159

June 9,
Treasury.

Same to same. Transmitting petition from James Monk, late Attorney General for Quebec. 160

Enclosed. Monk's petition for remuneration for services as Attorney General. 161

Statement of Monk's case. 166

June 22,
Quebec.

Dunn to Lady Hervey. That could he have finished his business here, he would have returned to Mrs. Dunn, who would have remained with the boys, if the expense could have been afforded. Had sent a memorial to Lord Hobart applying for leave to resign on a pension, but it should have been sent through Milnes. Hopes, if opportunity offers, that she will put in a word for him with Hobart. Comparison of his salary with Osgoode's and the retiring allowance he obtained, which may be a guide to what he (Dunn) might expect. Had purchased for his eldest son Thomas, an ensign in the 14th Regiment. 171

June 23,
Whitehall.

Fawkenor to Sullivan. The Lords of Trade approve of the caution of the Executive Council in respect to Philemon Wright's proposals for the cultivation of hemp. His plan of sowing in drills may produce more seed, but it is apprehended that it may be at the risk of the stalk throwing out side shoots, to the detriment of the fibre, which should be straight. 175

August 12,
Treasury.

Sargent to same. The Treasury transmits memorial of Henry Caldwell, Receiver General, who asks for instructions. 177

August 18,
London.

Osgoode. Memorial stating his services. Prays that he may be enabled to take in this country the necessary oaths to enable him to obtain his grant of lands in Quebec. 178

September 7,
Quebec.

Elmsley to Sullivan. The desire of every man to return to his native country. An Act has been passed to give a pension of £1,000 a year to persons who shall have served six years as Judge in the Vice Admiralty 178



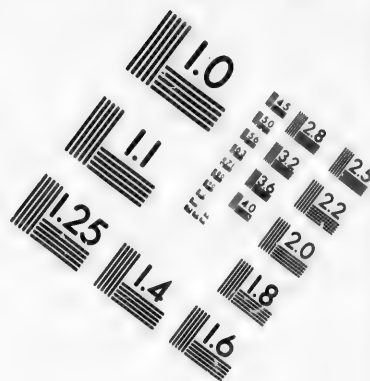
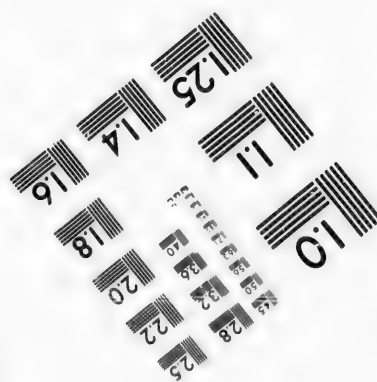
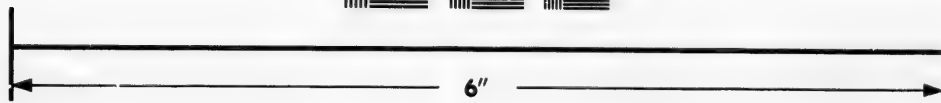
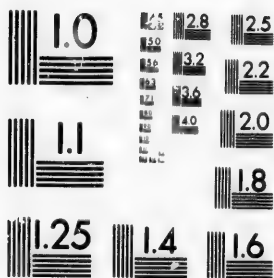


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1803.

- Court in America and the West Indies. The office of Chief Justice in either of the Canadas not inferior to that of a Judge of Vice Admiralty. The important duties of a Chief Justice in addition to his judicial functions. The reasons for granting the privilege to the Vice Admiralty Judges apply with equal strength to the Chief Justices. Asks that he may be allowed to hope for such a provision as that made for the Judges of the Courts of Vice Admiralty. If not, he shall cheerfully submit. Page 183
- September 10, Geo Hammond to same. Returns Dunn's original memorial, with copy of letter from Liston on the same, by which it appears that there is no prospect of obtaining redress for Dunn from the American Government. 187
- Downing Street. *Enclosed.* Memorial from Thomas Dunn, dated in London 16th August, 1802. 188
- October 10, Evan Nepean to Sullivan. Had laid before the Admiralty the application for Mediterranean passes from Milnes. Twenty were sent in March and since acknowledged. 193
- October 18, Milnes to Hobart (No. 70). Sends exemplifications of the Acts passed last session, Schedule and Journals of the Legislative Council. 1
- Quebec. Schedule. 2
- Journals of Council, beginning with proclamations calling the Legislature together, &c. 4 to 44
- October 21, Milnes to Sullivan, Under Secretary of State (secret). Had received letter authorizing Simon Bonsin, late of the diocese of Tours to proceed to Montreal as one of the resident Catholic clergymen, and has left him at liberty to proceed thither. Reports the course followed by previous French emigrants, especially two not mentioned in the list of those who remain. One M. Jacques de la Vairre, who had officiated at Three Rivers, but had left the Province taking with him a nun of the Ursuline Convent. Abbé Desjardins, who with others received letters of denization, has returned to France and is Grand Vicar of Autun. His brother has been acting as a Missionary to the Indians of Restigouche and Port Daniel and now officiates as Grand Vicar of Quebec. How far the appointment of Abbé Desjardins to the Vicar Generalship in Autun is due to his connection with the Bishop (Talleyrand) is deserving of consideration. Attention was called by Prescott in 1797 to the danger of admitting French emigrant priests and Portland promised to attend to the representation. Calls Lord Hobart's attention to this subject and points out the danger that may arise from this cause. Will send statement respecting the seminary estates in Montreal taken possession of by French Sulpicians when only one or two of the original members were living. From a statement by M. Roux, Superior of the Society, it appears that the estates produce on an average about £4,000 yearly. Will send this and an important report drawn up in 1789 by the Attorney and Solicitor General on these estates. The introduction of priests from France has tended very much to weaken the sense of dependence of the Canadian clergy on His Majesty's Government. 45
- Enclosed.* Lists of priests who emigrated from France and arrived in Lower Canada since the 1st of May, 1792. 52
- Oath of allegiance taken by the Rev. Philippe Jean Louis Desjardins, on the 20th of October, 1794, extracted from the minutes of Council of that date. 53
- October 22, Attorney and Solicitor General to Hobart. That the English law with respect to descent and dower must regulate a socage tenure in Canada. 194
- October 26, De Lanaudière to Sullivan. Calls attention to his memorial presented to Milnes and by him transmitted to Hobart. 196
- Quebec.

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1803.

October 27,
Quebec.October 30,
Lower
Canada.December 1,
Quebec.December 19,
Halifax, N.S.December 24,
Quebec.

(For letter and memorial, 2nd September, 1802, referred to in preceding, see Q. 90, pp. 346, &c.)

Milnes to Hobart (No. 71). Had represented the deranged state of the Surveyor General's office; had given the commission of Surveyor General to Mr. Bouchette. The satisfaction at his conduct has led to a commission of Surveyor General being issued in his favour. Hopes that His Majesty will approve of the appointment. Page 54

Enclosed. Minute of Council, 15th August, 1803, on the Surveyor General's office. 56

Joseph Bouchette to Simcoe. Had taken the liberty of applying for his interest towards obtaining him the office of Surveyor General, and had sent memorials, &c., on the subject. His good prospects of obtaining the appointment and the favourable effect of his (Simcoe's) influence if used on his behalf. 198

Milnes to Hobart (No. 72). Sends minutes of Executive Council on State business from 14th September to 24th October. 61

Enclosed. Minutes, 24th October. Report on a letter from the Deputy Surveyor General. 62

Report on Public Accounts for six months, ending 10th April, 1803. 64 to 95

Memorial by Edmund Burke, one of the Vicars General of the diocese of Quebec. That he had been removed in September, 1794, from the livings of St. Peter's and St. Lawrence, in the Island of Orleans, by Mgr. Hubert, Bishop of Quebec, to the River Raisin, in the Miamis country, in order to counteract the machinations of the Jacobins among the settlers and Indians, which might have been fatal to the 24th regiment stationed at Detroit, and the Miamis about 80 miles distant from each other, the settlement of the River Raisin being midway. His success in bringing the settlers to obey the Militia laws. After the cession of the posts he was offered the living of Ste. Anne, Detroit, on condition of becoming an American subject. Believing that that would induce others to follow his example, he rejected the offer, so that he could return to the King's dominions. That on his return to Quebec, Prescott granted him £100 a year as an indemnification for his losses. In 1801 Bishop Denault sent him to Halifax, Nova Scotia, to quiet some difference which had arisen among the members of the Roman Catholic congregation there, which he effected. In consequence of the removal, Milnes had refused to issue the usual warrant for his allowance. Sends copy of letter from Simcoe in proof of his statements. Refers to the Duke of Kent and others as witnesses to his veracity, and prays that the Lieutenant Governor be ordered to issue the usual warrant for the King's bounty. 201

Enclosed. Letter from Simcoe to Burke, dated Quebec, 5th September, 1796, with extract of letter to Dorchester, recommending a loyal clergyman to be sent to Rivière au Raisin, and the selection of Burke by Dorchester. 206

Milnes to Hobart (secret). For leave of absence, and that his salary be continued while absent from his Government. 96

Enclosed. Portland to Milnes (private), dated London, 6th December, 1795. His concern at authenticating the King's leave of absence to him (Milnes). The proof of this is the confidence placed in him by His Grace; hopes he will not endanger his life by continuing to combat with a climate that seems so injurious to him. The entire satisfaction of the King and his Ministers with his whole conduct. The only thing to find fault with is not having accepted the offer made by the Island of an additional appointment. The offer should have been communicated, so that it might be laid before the King, and, if renewed, His Grace is

1803.

- to be informed. Although it be right to require him to leave Martinico, yet the public has a right to his services when opportunity offers. 100
(Written when Milnes was Governor of Martinico.)
December 24, Vansittart to Sullivan. Transmits requisition for stationery, from
Treasury. Milnes. Page 207
December 30, Same to same. Transmitting requisition from Milnes for goods to be
Treasury. used as presents for the Indians. 208
December 30, R. H. Clinton to same. That M. Dubaril's name is noted for employ-
Horse ment in a foreign corps. 209
Guards.

December 31,
Quebec.

Milnes to Hobart (No. 73). Encloses letter from Sir John Johnston respecting an allowance of £200 a year, which from 1785 to 1800 was paid him out of the military chest. This was discontinued on the 25th December, 1800, when the management of Indian affairs in Lower Canada was committed to the person administering the Civil Government, the Indian officers to be paid by his warrant. Submits the letter and asks that authority be given to pay the arrears and continue the allowance. 110

Enclosed. Sir John Johnson to Milnes, dated 22nd December, 1803, on the subject of the allowance mentioned in preceding letter. 112

Lord Sydney to Sir John Johnson, dated 20th August, 1785. Authorizing him to draw for £1,000 as salary, and that every exertion will be made to have this augmented. 117

1804.
January 9,
Downing
Street.

Hobart to Milnes (No. 17). Dispatches (63 to 71) received. Sends report on the question whether lands in free and common soccage are governed with respect to descent and dower by the laws of England or those of Canada. The contents of No. 13 of 1st December, 1802, to be communicated to M. de Lanaudière. Authority given to pay to Dunn a pension of £500 a year for life out of the revenues of the Province. Sends copy of letter from Col. Clinton to Sullivan in respect to the memorial of the Marquis Dubaril. Sends report of the Lords of Trade on the Acts for regulating the police of Quebec and Montreal. 58

No date.

Memorial of Sir George Pownall, Secretary and Registrar of Lower Canada, that his commission may be renewed, omitting the clause that enforces residence, the Government of the Province being now in a settled form. 210

LIEUT. GOV. MILNES—1804.

Q. 94.

1804.
January 4,
Quebec.

Milnes to Hobart (No. 74). Sends minutes of Executive Council on State business from the 25th October, and concerning the Waste lands of the Crown from the 30th July, both to the 25th November. Page 2

Minutes, 25th November. Report on Peter Pangman's application for the usual reduction on the payment of *quint* for the purchase of the seigniority of La Chesnay. 2

Report on the application of Indians of the village of Bécancour, for lands in the township of Wendover, that all such applications must be transmitted through the Superintendent General. 5

Minutes, 12th November. Report on petition, &c. 6

Minutes, 23rd November. Report on petition of Abenaki Indians. 9

On other petitions. 11 to 14

January 9,
Downing
Street.

Hobart to Milnes (No. 18). To obtain and transmit an accurate return of every article of supply lodged in the public storehouses. A similar instruction has been sent to Hunter. 15

February 1,
Quebec.

Milnes to Hobart (secret). Sends copy of letter from Barclay, Consul General at New York. In answer to request, Richardson at

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1804.

February 21,
Quebec.

February 24,
Quebec.

Montreal reports that the persons alluded to (Jerome Bonaparte and Rous) are not in Rouse's neighbourhood nor along by Plattsburg, nor have they visited Albany, although it was believed there that a visit was intended to that place during the winter. Has engaged Richardson to try to gain over Rous, who could be of essential service. Page 16

Enclosed. Barclay to Milnes, dated New York, 2nd December, 1803. Jerome Bonaparte has for some time been in these States, especially Maryland. He arrived in New York about the 20th of November, and has left ostensibly for the Southward, but he (Barclay) is informed that he (Jerome) intends to go to Albany to communicate with the French in Lower Canada, and probably after that to go to Lake Champlain, where a Frenchman named Rous lives, who is notorious for assisting British deserters. McLean, hung for treason, was particularly intimate with Rous. The watch it is desirable to keep on the movements of Jerome Bonaparte. The following is his description:—"Jerome Bonaparte appears about 21 years of age, 5 feet 6 or 7 inches high, slender make, sallow complexion, sharp and prominent chin, cropped dark hair short, but he sometimes adds a *queue* and is powdered, dark eyes. A gentleman who assumes the name of Alexander attends him. In height from 5 feet 9 to 5 feet 10 inches, fair complexion, pitted a little with the smallpox, thick sandy hair, and has a remarkable mole on that part of the left ear through which a hole is usually made for a "ring." 18

Milnes to Hobart (No. 75). Sends minutes of Executive Council on State business from 25th November to 18th January. The usual remission of one-third of the *quint* to Mr. Pangman having been recommended had been granted. 21

Enclosed. Minutes, 25th November. Report on mutation fines due by Pangman, that the deduction of one-third be made on payment. 22

Report on the application of the Indians of Bécancour. 24

Minutes, 7th January. Report on the petition of Simon McTavish, respecting the *quint* due on his purchase of Terrebonne. 25

Report on the Crown and Clergy Reserves, Minutes, 18th January. 28

Report on proposed proclamation for a day of fasting and humiliation. 30

Milnes to Hobart (secret). Sends copy of correspondence with Richardson respecting the apprehended visit of Jerome Bonaparte to Albany, Lake Champlain, &c. No positive intelligence has yet been received of the French Government tampering with the disaffected in the Province, but the steps taken can hardly fail to detect such an attempt. Information sent to Hunter relative to René Fouquet, mentioned in Richardson's letter. His arrival on the boundary when Jerome Bonaparte was expected seems to indicate a connection between them. The smallness of the military force necessitates the use of such channels of information as may serve to detect and frustrate the more secret attempts of the enemy. 34

Enclosed. Ryland to Richardson, Quebec, 26th December. Instruction to prosecute inquiry respecting Jerome Bonaparte, &c. 37

Richardson to the Attorney General, Montreal, 20th February. Return of No. 2 who believes that Fouquet is a French emissary employed by the French Consul at Boston. He is no doubt the author of the story that the Americans having got Louisiana are desirous to extend their boundaries to the St. Lawrence in which they would be assisted by France. Unfriendly conduct of Jefferson, but he is too great a coward to risk an actual breach with Great Britain, unless the latter met with serious injury. The means taken to secure the best services of No. 2. Arrangement made with No. 3 (Rous), to last only so long as Great Britain and the United States are at peace. He has been employed by

1804.

Genet, but is not now engaged and promises to be faithful. No. 2 and No. 3 have no knowledge of each other. No. 3 believes Fouquet to be a French emissary; does not think Canada will be invaded this year, unless the French are very fortunate on the other side of the water. Two emissaries are now in Canada. Does not think that Jefferson's party has any serious idea of quarrelling with Great Britain. The exorbitant demands of No. 3, which must be complied with if intelligence is to be obtained. A person sent to discover Duolos, Butterfield's information supposed to be political turns out to be in reference to forged American notes. If the rascals could be sent to undergo trial in their own country, it might lead to some reciprocal benefit on the part of the United States.

Page 39

Ryland to Richardson, Quebec, 24th February (secret). Warrant issued to repay the £150 advanced by him (Richardson). The Lieut. Governor agrees that in such cases Government is liable to imposition on the part of secret agents, but those employed being now aware that they will be fairly treated should be informed that they will receive an ample reward for real services, but that Government will not be imposed on by pretended plots and conspiracies.

February 24,
Quebec.

Milnes to Sullivan. Respecting a sum of £775, accrued from fees on grants of land in Lower Canada; had written King on the subject, whose answer is enclosed.

Enclosed. King to Ryland, Whitehall, 28th February, 1801. That the 73rd clause of the Instructions, which directs how the fees are to be distributed, not being sufficiently explicit, the amount (£160) already received on that account to remain in the hands of the Receiver General.

Portland to Milnes, Whitehall, 19th April, 1799. Refers to the decision respecting the fees communicated to Russell.

Portland to Russell, Whitehall, 10th January, 1798. That the land fees coming to the Governor are to be divided during his absence with the Lieutenant Governor or person administering the Province.

February 25,
Quebec.

Milnes to Hobart (No. 76). Sends speech at the opening of the Legislature and the addresses in reply. Transmits petition from the parishioners of Christ Church, Montreal, for a site on which to build a new church, the previous one having been burned down, and encloses a plan showing the proposed site. The lot marked Old Prison, is the ground specially recommended to be granted, as the Engineer reports that it is not likely to be wanted.

Enclosed. Speech to the Legislature.

Address of the Legislative Council in reply.

Answer.

Address of the Assembly.

Answer.

Petition of the parishioners of Christ Church, Montreal, for a site for a new church.

Plan of part of Montreal.

(The site of the old prison was granted, see Series C. Vol. 63, p. 102.)

Report of Col. Gother Mann, Quebec, 27th November, 1799, on Government property in Montreal.

February 25,
Quebec.

Milnes to Hobart (No. 77). Transmits a memorial from Le Maistre for the grant of a township. His services can be testified to by Dorchester.

Memorial by Le Maistre.

Report on a previous petition from the minutes of Executive Council, 26th October, 1792.

March 10,
Downing
Street.

Hobart to Milnes (No. 19). Transmits memorial from Monk respecting his claim for fees as Attorney General. To settle with him in

1804.

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May 2,
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Montreal.

accordance with the scale now fixed. Forwards memorial from Smith, appointed Master in Chancery, praying that an adequate salary should be attached to the office. To consult with the Legislature, and if thought proper, assign a salary out of the Colonial revenues. Has granted Smith an additional leave of absence of six months. Sends petition of Vicar General Burke, so that a report may be made of the reason of stopping the payment of his allowance of £100 a year and how far it may be advisable to issue it as usual from 1st May of 1802. Page 77

Milnes to Hobart (No. 78). Sends minutes of the Executive Council on Crown Lands from 26th November, 1803, to 7th March last. 80

Minutes, 1st March, with journal of proceedings and report on petitions. 81 to 87

(For names see alphabetical list.)

Milnes to Hobart (No. 78, a duplicate number). Sends copy of his speech on the prorogation of the Legislature and schedule of the Acts passed. The bills for the prevention of accidents by fire and for the erection of gaols not passed, but from their local importance there is no doubt of their meeting attention at a future session. 88

Speech on proroguing the Legislature. 90

Schedule of Acts passed in the fifth session of the third Provincial Parliament of Lower Canada. 93

Milnes to Hobart (No. 79). Dispatches received. Shall communicate to the Judges the report of the Law Officers on the question of the law that should govern lands held in free and common socage. Shall inform Dunn of the King's bounty and Dubarail of the Commander-in-chief's decision in his case. Was not aware of the objections to the Act 42 Geo. III, Cap. 8, submitted by the Lords of Trade on the 17th May, 1803; shall send the particular reasons for passing the Act. Shall communicate to the Council the remarks of the Lords of Trade on the proceedings relative to Philemon Wright's proposal. Shall transmit Monk's account for fees when received from him. Smith when appointed Master in Chancery was informed that no salary would, for some time at least, be attached to the office. Shall recommend a salary when opportunity offers. Had discontinued the allowance to Vicar General Burke on his removal from his mission to the Indians at Amherstburg to Halifax, Nova Scotia, without notice, but owing to representations of his loyalty and services had resumed payment and should continue the same unless he received directions to the contrary. Shall send observations on the state of ecclesiastical affairs in the Province; the good understanding between the Anglican and Roman Catholic Bishops. Shall order a return to be made of all the public stores belonging to the Civil Department in Lower Canada, which consist only of goods intended as presents for the Indians and the remains of the Militia clothing and accoutrements sent out in consequence of a requisition from Lord Dorchester in 1796. 99

(No. 80 is a duplicate of this letter and therefore not copied.)

Richardson to Ryland. Return of No. 3 from the States, to which he had gone on the 20th March; his interview at five miles from Albany with Genet, who said he had retired from politics; advises No. 3 to see Pichon at Washington respecting the plans of the French Government on Canada, as the consuls knew nothing of them, not being trusted; his journey to Washington, &c.: his conversation with Pichon, who told him the plan respecting Canada was dropped for the present, England being yet too powerful at sea; the friends of France in Canada recommended to be quiet, so as to avoid suspicion; they would have intimation when the idea of an invasion was resumed. He (Pichon) expected soon to be relieved by an ambassador, to whom he would recommend No. 3 (Rouse) for employment. There had been an intention to invade Canada by some

1804.

May 23,
Quebec.

of the embarkations for St. Domingo, but the measure was given up for various reasons. Remarks about the invasion of Britain, Bonaparte's designs, &c. Has no doubt No. 3 was where he says and reports faithfully but whether Pichon told the whole truth is not so certain. No. 3 fully believes in his statements and the quiet in Lower Canada will be a proof of his sincerity. The accounts of the villanies practised by the French soldiers in St. Domingo had cured him completely of the wish to see them in America or Canada. No. 3's request for money; asks for instructions on that point.

Page 108

Milnes to Hobart (secret). Sends copy of letter from Richardson, with the result of the steps taken to discover persons in the United States who might be employed by the French Government to disturb the peace of the Province.

107

June 7,
Downing
Street.

(Letter from Richardson calendared at its date, the 17th May.)

Lord Camden to Milnes (No. 1). Although nothing appears to strengthen the supposition that there are French emissaries in the Province, yet he should continue to keep a watchful eye on strangers or suspicious characters. The lot marked Old Prison granted to Christ Church, Montreal, as the site for a new church. Cannot recommend so extensive a grant as that asked by LeMaistre, but he may have such grant as the Governor-in-Council may think adequate to his services, without public inconvenience. Recommends that the request of Antrobus of Three Rivers, for leave to occupy and improve certain water lots contiguous to his premises in Quebec be granted, unless the Governor-in-Council shall find it to be inexpedient. The King authorizes the payment to him (Milnes) of the half fees collected since his administration now in the hands of the Receiver General. Shall recommend leave of absence to him (Milnes) when it can be granted without prejudice to the service.

96

(A letter No. 1, acknowledging receipt of dispatches 46 and 47 and that duplicates of some of Hobart's recent dispatches had been sent, is in Series C, vol. 245, p. 100. The dispatch here numbered 1 it would seem should have been No. 2, and it will be observed that there is no dispatch of this number among the Colonial Office records, the numbers being 1 and then 3). Both dispatches No. 1 are of the same date—7th June, 1804. Dispatch No. 3 is dated 2nd August, and is at page 105 of this volume. Apparently the real No. 1 was not copied in the Colonial Office. Nos. 1 and 2 are acknowledged by Milnes on the 14th August; see this volume, page 231.)

June 20,
Quebec.

Milnes to Hobart (No. 81). Transmits minutes of Council on State business from 11th January to 7th March.

117

Minutes, 1st March. Report on Public Accounts for the half year beginning 11th April, 1803, with journal, tables and details.

119 to 174

Minutes, 7th March. Statement of the Provincial Revenue and Expenditure from 6th January, 1803, to 5th January, 1804.

175

Report on Public Accounts approved of, and ordered to be entered.

179

June 25,
Quebec.

Milnes to Hobart (No. 82). Sends the Attorney General's report of the reasons for passing the Act for regulating the police in Quebec, Three Rivers and Montreal. Has always consulted the Law Officers before assenting to the Provincial Acts. The beneficial effects which have already attended the Police Act.

182

Report of the Attorney General.

184

July 18,
Quebec.

Milnes to Hobart (No. 83). Sends minutes of Council on State business from 18th March to the 13th June, and on Crown Lands from 8th March to 30th May.

188

Minutes, 30th May. Report on memorial of Peter Desbarats respecting the printing of the first volume of the French edicts.

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1804.

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July 19,
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August 2,
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August 12,
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August 14,
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August 14,
Quebec.

August 18,
Quebec.

Report on two memorials of Simon McTavish as respects his right to make a dam between Isles du Moulin and Viger. Page 191

Report on memorial of William Burns respecting commission on sales. 192

Report respecting Crown and Clergy Reserves. 193 to 198

Report on the memorial of Thomas Munn, Sheriff of Gaspé. 199

Report on the memorial of J. G. Beek, Customs Surveyor, Montreal, for an increase of salary. 199

Letter respecting the culture of hemp laid before the Council. 200

Correspondence with the Receiver General respecting the Public Accounts. 203

Proposed proclamation for dissolving the present Parliament of Lower Canada, completed, approved of and ordered to be issued. 205

Minutes on Crown Lands, 30th May. Journal of proceedings of the Committee on Petitions. 210 to 221

(For names see alphabetical list.)

Milnes to Hobart (No. 84). Sends list of stores intended for the use of the Indians of Lower Canada which are now on hand. The return includes all articles of supply except a few militia stores, which will be included in the return of the Commissary General. 223

Return of stores for the use of the Indians. 224

Camden to Milnes (secret). The secret intelligence in letter of the 25th May, (23rd, see p. 107), is confirmed by information collected here (in London). He should not, therefore, lose the present channel, as it may become of real importance. 116

Same to same (No. 3). Dispatches received. Transmits memorial from Abraham Cuyler stating his services and losses and praying for land as a compensation. Lot of land in Montreal and such further grants in addition to that already received as shall make up the amount to 20,000 acres, unless there should be strong objections. As an acknowledgment of the extraordinary services of H. W. Ryland, he is to receive an additional allowance of £300, to begin on 24th June last and continue till further orders. 105

Same to same (No. 4). The King has granted him leave of absence, but he is to be prepared to leave for Canada in one of the earliest ships in the following spring. 228

Milnes to Hobart (No. 85). Sends Naval Officer's returns of vessels entered and cleared at Quebec, between 5th April and 5th July. 229

Returns. 238 to 240

Milnes to Camden (No. 1). Circular of 17th May received, stating that His Lordship had been appointed to the Colonial Office. (The original circular is in series C, vol. 245, page 99). Shall omit no opportunity of communicating all matters relative to His Majesty's interests in the Province. 230

Same to same (No. 2). The grant of a lot for building a church in Montreal will be considered by the parishioners of Christ Church as a signal favour. Shall communicate to the Council the decision respecting a grant to Le Maître. The Metropolitan Church at Quebec will be completed for consecration this month. The Bishop has asked leave to appoint a verger to be paid £30 a year by Government. His Majesty's gift of Communion plate, &c., has not yet been received. Sends dimensions of the cloth which will be necessary for the altar, pulpit and desks. 231

Enclosed. Dimensions of cloths referred to. 234

Milnes to Camden (No. 3). Recommends the appointment of John Lees to fill up the vacancy in the Council caused by the death of Pierre Panet. The promotions of de Bonne and Lees will leave a vacancy among the honorary members of Council; asks that John Richardson of Montreal be added to the number. It was intended some years ago to

1804.

October 4,
Downing
Street.

appoint him, but his private concerns caused him to decline. He had come forward at his (Milnes') request, as a candidate for the Assembly and was unanimously elected for Montreal. As this will bring him to Quebec, he (Milnes) is desirous of having his services in the Executive Council. The confidential services of Richardson in the interest of the Province. The late elections have produced the most respectable return of members that have yet been made choice of.

Camden to Milnes (No. 6). Dispatches received and laid before the King.

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222

APPLICANTS FOR LAND IN THIS VOLUME.

(The figures after the names show the pages.)

- A.—Abenakis, Indians of St. Francis, 9; Adams, Richard, 7, 8;
- Allsopp, George, 11, 13, 86, 218, 220, Robert, 86, Sarah Morris, 86.
- B.—Baldwin, Heth, 11, 13, 218, 219; Bondfield, John Taylor, 86.
- C.—Coffin, John, 83; Coit, Wm., 84; Cuyler, Abraham, 11, 13, 218.
- D.—Desbarats, Peter Edward, 82.
- G.—Greene, Benjamin, 84.
- H.—Higgins, Doreas, 220; Holt, Moses, 218, 220.
- J.—Johnson, Sir John, 218.
- Mc.—McNaughton, Duncan, 87.
- M.—Mann, Gother, 82, 85; Morris, Sarah (see Allsopp).
- S.—Scott, Mathew, 12, 13, 14.

TOWNSHIPS.

- A.—Abercromby, 82; Acton, 82, 86.
- B.—Blandford, 86.
- C.—Chester, 83.
- D.—Durham, 10.
- E.—Ely, 221.
- F.—Farnham, 11, 218, 219.
- G.—Godmanchester, 87.
- H.—Hatley, 218, 220; Hemmingford, 12, 13, 87.
- K.—Kildare, 83; Kilkenny, 82.
- N.—Nelson, 7, 8.
- R.—Rawdon, 82; Roxton, 84.
- S.—Somerset, 8; Stanhope, 7; Stanstead, 7, 8.

LIEUT. GOV. MILNES—1804.

1804.
August 18,
Quebec.

Q. 95.

Milnes to Camden (No. 4). Transmits exemplification of Acts passed, printed copies of the same and Journals of the Legislative Council. Remarks on the Act for the encouragement of persons apprehending deserters and the good effect it has produced. The reasons for the passing of the Act confirming certain marriages. The confusion the decision of the courts will cause, namely, that no marriages are valid but those solemnized by the clergy of the Established Church (the Anglican Church) or by the Church of Rome. Had desired an opinion on the subject from the Attorney General, which is enclosed.

(The schedule being already copied in Q. 94, page 93, is here omitted.)

Opinion of the Attorney General on the Act for confirming certain marriages, with a statement of the causes which led to the passing of the measure.

The title of the volume of Statutes entered, being among the Archives in printed form, they are not copied. The title.

1804.

August 20,
Quebec.

Journals of the Legislative Council.

Page 10 to 150

Milnes to Camden (separate). Considers himself justified in appropriating the sum in the hands of the Receiver General arising from fees on land grants. The expression in the letter, namely *half fees*, has left some ambiguity, as the sum in the hands of the Receiver General, since 25th July, 1799, includes the whole of the fees, and it is possible that the half may have been otherwise appropriated. Details of the reasons why these fees had been ordered to be retained. Believed that his application for these fees would not be thought improper as he had been under the necessity of drawing £1,000 annually from his private income to supplement his salary. Should he have been mistaken in appropriating the whole of the fees, he shall replace the amount overdrawn on receiving further commands. Thanks for the prompt attention to his application for leave of absence; trusts his family may not suffer by the delay in arranging his private affairs. His present situation has been a loss to him but he shall not leave till a proper state of affairs permits.

151

Enclosed. Ryland to King, dated Quebec, 11th December, 1800. Encloses letter to Major Green, agent for Prescott, relative to the claim of the latter for the Governor's fees of office. The Lieut. Governor being authorized to receive from the revenues of the Province enough to make up his salary to £4,000, asks if the moiety of the fees should not be the property of the public, although it is provided in the 73rd Article of the Royal Instructions, no part of the Governor's perquisites are, whilst he is absent, to be paid to the Lieut. Governor. The whole of the fees accumulated since the Governor's absence amounts to £160.

155

Ryland to Green, dated Quebec, 10th November, 1800. The Lieut. Governor, in consequence of the order authorizing him to receive an amount from the Provincial revenues to bring his salary up to £4,000, finds it necessary to refer the question of fees to the Secretary of State.

156

GENERAL RETURN of Grants of Land in the Province of Lower Canada, by Patent under the Great Seal, from the 25th day of July, 1799, to the 15th day of August, 1804, both days included, with His Excellency the Governor's Fees thereon.

1799.		Grants in the Townships of	£	s.	d.
Novr.	27.	Buckingham	1	0	0
Decr.	30.	Dorset	26	10	0
1800.					
May	21.	Upton	12	12	0
April	29.	Hunterstown	11	10	0
May	14.	Stoneham	12	0	0
"	14.	Tewkesbury	12	0	0
"	14.	Grantham	13	10	0
Sept.	27.	Stanstead	13	17	3½
"	18.	Tewkesbury	0	12	7
April	29.	Quebec, water lot in the Lower Town of	2	6	8
Novr.	3.	Stukeley	11	16	3
Oct.	20.	Broughton	11	11	0
Novr.	6.	Hereford	11	11	0
Dec.	4.	Eaton	12	6	2
1801.					
Feb.	10.	Shefford	17	15	0
April	11.	Barnston	11	11	0
May	5.	Orford	7	2	8

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1801.		<i>Grants in the Townships of</i>	£	s.	d.
July	4.	Newport	5	15	6
Aug.	31.	Stanbridge	20	17	9½
Novr.	26.	Brompton	20	7	6
Deer.	4.	Shipton	29	7	0
1802.					
Feby.	13.	Stoke	21	16	2
April	15.	Barford	13	17	2
July	15.	Windsor	25	9	0
"	17.	Simpson	21	1	4
"		Chester	5	15	6
Augt.	9.	Halifax	5	15	6
"	9.	Inverness	5	15	6
"	14.	Leeds	5	17	7
"	14.	Woolfstown	5	15	6
"	31.	Wickham	11	17	6
"	30.	Durham	10	19	10½
"	20.	Ireland	5	15	6
"	31.	Compton	13	4	7
"	31.	Sutton	19	19	0
Sept.	30.	Athabasca	5	15	6
Novr.	10.	Thetford	11	10	6
"	13.	Ely	5	15	6
"	22.	Ixworth	0	12	7
"	23.	Stoke	0	18	10
1803.					
Jany.	6.	Granby	16	6	6
"	8.	Roxton	12	6	9
"	22.	Buckingham	7	9	1
Feby.	1.	Milton	12	5	2
March	5.	Clifton	11	15	5
April	21.	Ascot	10	1	10
May	14.	Ditton	5	15	6
"	27.	Clinton	5	15	6
"	27.	Bulstrode	12	4	7
June	7.	Kingsey	5	16	10
"	21.	Hemmingford	4	5	4
"	24.	Kildare	5	14	10
July	11.	Hatley	11	14	11
"	23.	Clifton	3	10	4½
"	29.	Potton	13	15	9½
Augt.	4.	Newport	6	6	0
"	31.	Bury	5	15	6
Deer.	8.	Stanstead	0	12	7
1804.					
Jany.	25.	Tingwick	11	17	3½
"	25.	Warwick	11	19	4
March	13.	Westbury	6	2	7
"	27.	Hemmingford	0	4	2½
April	21.	Nelson	18	4	1
"	21.	Somerset	18	8	6
May	17.	Windsor	0	4	0
July	20.	Tring	11	9	11

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Quebec, Secretary's Office.

NATH. TAYLOR, *Dy. Secty.* 158

1804.

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- September 6,
Downing
Street.
Milnes to Sullivan, dated Quebec, 24th February, 1804. (See Q. 94, p. 49.) In this letter the sum is given as £775, in the present copy it is stated to be £639, in the detailed statement (page 158), the actual amount is £694.4.5½. The letter is calendared in Q. 94, p. 49.
- October 18,
Quebec.
Camden to Milnes (No. 5). Sends list of Provincial Acts, to which the Privy Council see no objection. The Acts (six in number) are embodied in the letter. Page 167
- October 18,
Quebec.
Milnes to Camden (No. 5). Sends minutes of Council on State business from 14th June, and on Crown Lands from 31st May, to the 11th August for both subjects. 169
- Minutes, 30th June. Consideration of memorial of J. G. Beek, of the Customs, Montreal. 170
- Report of Committee on Public Accounts, laid before Council, with journal of proceedings, tables, &c. 171
- Minutes of Crown Lands. 178
- (For names see alphabetical list.)
- October 18,
Quebec.
Milnes to Camden (No. 6). Sends Naval Officer's returns of vessels entered and cleared at Quebec between 5th of July and 10th instant. 206
- Returns. 206a, 206b, 206c
- October 26,
Quebec.
Milnes to Camden (private). His concern at being unable to answer on certain important points referred to him by Hobart, namely, the Church establishment in Lower Canada, the Seminary estates at Montreal and the claims by Monk for services by him as Attorney General, owing to the severe bilious fever which he contracted in the West Indies, and to which he was subject, and which are increasing in violence. He will feel sensibly if he do not receive the indulgence which his health requires. He has been unable to provide for his family, a not unimportant matter. Had hoped to obtain leave of absence this year, but as he must give up that hope, trusts that arrangements may be made that he may go in the frigate which convoys the spring fleet. It is well his health permits him to spend only a few months away from his duties, as the fatigue of the voyage would be more injurious than useful were the leave restricted. 207
- October 27,
Quebec.
Same to same (No. 7). Sends requisition for goods to supply the stores with presents for the Indians in Lower Canada, for 1805 and to form a complete supply for the same Indians for the year 1806. 211
- Requisition. 212
- November 12,
Quebec.
Milnes to Camden (No. 8). In consequence of commands in Hobart's letter, had desired Monk to furnish a detailed account of his claim, charging the fees now established. The account enclosed, as well as two memorials from Monk relative to his account. It is not correct that Monk held the office of Attorney General continuously from 1779 to 1794, as he was dismissed in 1789 and not reinstated till 1792, on the death of Gray, who was Attorney General during the interval. Remarks on items in the accounts, &c. Considers it, for reasons stated, to suspend for the present the payment of Monk's account till he receives His Lordship's further commands. 213
- Enclosed. Accounts furnished by Monk marked A. 1 to 15. 220 to 236
- Details of account No. 3 in A. for examination of the titles of seigniories, &c. 237 to 241
- Details of account marked No. 4 in A. Examination of titles of seigniories. 242 to 244
- Details of account marked No. 5 in A. A similar examination. 245
- Accounts marked B. 1 to 10. 246 to 298
- List of papers referred to in the accounts. 299
- Memorial and other documents respecting the claim for fees, dated 14th September, 1804. 300
- Another memorial, dated 6th October, 1804. 303

1804.

December 6,
Downing
Street.

Other documents of various dates on the same subject. Page 305 to 308 Camden to Milnes (No. 7). Dispatches received and laid before the King. A verger to be appointed to the Metropolitan Church, Quebec, with a salary of £30. The recommendation for the appointment to the Council of Lees in room of Panet, deceased, and of Richardson to be a supernumerary member, has been referred to the Privy Council. The Provincial Acts have been referred to the Lords of Trade. Transmits copy of letter from the Duke of Kent, recommending Monk, now a Judge in Nova Scotia, to be a Judge and member of the Council in room of Dunn, who, it is understood, is about to retire. The question has been referred to him (Milnes) for his judgment. Sends copy of letter from the Board of Audit for vouchers necessary to the passing the Receiver General's account. He (Milnes) authorized to appropriate all the fees accrued in the hands of the Receiver General. 164

LIEUT. GOV. R. MILNES—1804.

Q. 96.

1804.

January 4,
Quebec.

Le Maistre to Hobart. Stating his services and his insufficient salary, in support of his memorial for a grant of land. 32

January 10,
Inner Temple.

Memorial of Osgoode, late Chief Justice, stating the steps he had taken to preserve the Crown lands from being improperly granted. Prays for leave to take the oaths in England, which are necessary to admit of his benefiting by His Majesty's bounty. 34

January 11,
Biggleswade.

A second memorial on the same subject, undated. 37

J. Pownall to Hobart. Recommending the granting of the prayer of his nephew Sir George Pownall, who has applied by memorial to be allowed to exercise the duties of his office by deputy instead of by his personal residence, and that a new commission may issue, omitting the clause requiring personal residence. 41

Sir George Pownall's memorial. 44

February 17,
London.

Smith to Sullivan. Asking him to present memorial to Hobart, which was presented by General Maitland. Trusts that effect may be given to the memorial. 50

February 18,
London.

Bishop Douglas to Hobart. Presents memorial from Rev. Edmund Burke, Vicar General of Quebec. 51

Memorial, dated Halifax, 23rd December, 1803. (See Q. 93, p. 201.) 52

Letter from Simcoe to Burke, dated Quebec, 13th September, 1796, with extract of recommendation to Dorchester that a loyal clergyman might be sent to the settlement of Rivière au Raisin, and the consequent appointment of Burke to that mission. 55

March 14,
Quebec.

Memorial of Lieut.-Col. Mackintosh, stating his services and praying for a grant of land in one of the Eastern Townships of Lower Canada. 56

March 26,
Treasury.

Sargent to Sullivan. Sends representations from Caldwell, Receiver General, respecting the obstructions he meets with from the Lieut. Governor. 59

(The enclosures referred to in the letter were returned to the Treasury.)

April 7,
London.

Paul Le Mesurier to Sullivan. Recommending Le Maistre and urging that his case should be favourably dealt with. 60

April 12,
Treasury.

Sargent to same. Transmits representation from Antrobus respecting his brother's appointment as collector at Montreal, and as to his grant of the townships of Brandon and Waste lots on the river at Quebec, to be submitted to Lord Hobart. 62

Enclosed. Petition of John Antrobus, dated 23rd March, 1803.

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1803.

1804.

April 20,
London.

Hannah Van Kamp to Hobart. Has a tract of land in Lower Canada, reported to be covered with the finest ship timber in the Province, which she desires to dispose of either altogether or on receiving an annuity whilst persons are employed cutting timber for Government. Page 66

Enclosed. Description of the lands in the township of Bedford, with calculation of the value of the timber, &c. 68

Letter to Adam Gordon asking him to present the preceding letter and plan to Lord Hobart. 76

April 26,
Quebec.

Henry Caldwell to Hobart. Had remonstrated against the regulations prescribed by the Governor-in-Council respecting the collection of mutation fines, &c., as an infringement on the terms of his commission, but had submitted till the decision of his superiors was known. As it is the pleasure of the Lords of the Treasury that the disagreeable duty of suing for arrears was not to be discharged by him, but as it is in his commission trusts he may not in future be held responsible should these payments not be enforced. 77

June 4,
London.

Viscount de Vaux to Camden. Urges that the promises made by Pitt and Dundas that he should receive a tract of land in Canada equal to that granted de Puisaye may be carried out, and that the Governor be instructed to that effect. Encloses letters from Hobart to General Hunter dated 10th March and 29th April, 1804. 100

June 24,
London.

Enclosed. The letters referred to. 103, 104

Lord Spencer to Hobart. Sends letter and other documents from Ryland, which will explain his case. Mr. King or Portland might supply further information. 79

Enclosed. Ryland to Spencer, Quebec, 28th December, 1803. Stating that he had applied by memorial to Portland for an increase to his income, by two methods pointed out, but had received no answer from His Grace or from Hobart. Transmits a memorial to Hobart and prays that he (Spencer) may present it. Why he (Ryland) accepted office in Canada instead of that offered him in Jamaica. 80

Memorial by Ryland to Hobart respecting his situation and his desire for an increased income, for reasons given. 83

Extract of letter from Milnes to Portland, 5th January, 1803, in favour of Ryland. 87

June 28,
London.

A. Cuyler to Cooke, Secretary's Office. Forwards memorial, which he asks may be submitted to Camden, with letters from Lord Howe and General Cuyler. Trusts that his application for lands may be settled favourably without being referred to the Governor-in-Council in Canada, as it would meet the fate of a previous application which it was declared incompetent for the Council to grant, as the power to do so was vested in the Imperial Government. The benefit the grant would be to his family, &c. 88

Enclosed. Memorial. Cuyler to Camden. 90

Various testimonials in favour of Cuyler. 94 to 99

June 30,
London.

Board of Agriculture to Camden. Transmitting a list of premiums for the encouragement of cultivation, especially of hemp, to be forwarded to the Governors of Upper and Lower Canada, New Brunswick and Nova Scotia. 105

Enclosed. List of premiums. 106 to 124

July 3,
London.

A. Cuyler to Cooke. Points out the lands he desires as a grant, being in the townships of Dunham, Stanbridge, Farnham, Shefford and Stanstead, or else in the still ungranted lands of Hemmingford and Stanstead, &c. Shall send a detailed description of the lands asked for, to avoid mistakes. 125

Enclosed. Other documents relating to Cuyler's application for lands. 127 to 161

1804.

August 23,
London.October 1,
East Bourne.October 17,
London.October 22,
Castle Hill
Lodge.October 23,
Montreal.October 24,
Quebec.

The Master of the Rolls to Cooke, to know if anything had been done by Lord Hobart with respect to the memorial of LeMaistre. Page 162
General Maitland to Sullivan (?) Enclosing memorial from W. Smith, whom he recommends. Has had long letters from America. Thinks there is slackness in trying to gain a stronger interest in that country than is at present the case. 47

Commissioners for auditing the Public Accounts to Canada. Call attention to the want of proper vouchers for the accounts of Caldwell, Receiver General and pointing out how the defect may be remedied. 163

Duke of Kent to Camden. Recommending Monk, brother of the Chief Justice of Montreal, and now a Judge in Nova Scotia, to succeed Dunn as Judge and member of the Executive Council. 165

Memorial of James Monk, for payment of the fees to which he considered himself to be entitled. 167

Bishop (Anglican) of Quebec to Camden. Desires to be removed from the painful and improper situation he holds in Canada, in which he has resided for eleven years without accomplishing any of the objects for which he was sent out, except the building of a Cathedral Church without endowment or establishment. Refers on this point to a letter of 6th June, 1803, of which a copy is annexed. Every day since shows the increasing interest of the Roman Catholic Church and the desire of resisting the establishment of the Church of England. Denies that he is influenced by professional or personal enmity, being actuated solely by a sense of duty. How the spirit of Romish intolerance affects the whole character of the people and affects their loyalty, as appeared in the proceedings of the Assembly during the last Session. The laws rendering irregular marriages valid and for the relief of Protestant dissenters professing the religion of the Church of Scotland. The only dissent to the passage of these bills was from a leading Canadian member, who whilst admitting that the bills were expedient and reasonable "yet found himself obliged *par sa conscience*" (in other words by the representations of his "Priest") *et comme Catholique* to refuse his assent to them." The changes attempted to be made in the bills by the Assembly. Copies of the bills as they stood and as amended are forwarded. Comments on the manner in which the Ministers of the Church of Scotland were refused the privilege of solemnizing marriage. The obstacles thrown in the way of erecting parishes by the Canadian members of the Executive Council. "Thus do the Catholics who from His Majesty's unequalled liberality, have received everything for their Church, resist, as far as in them lies, his 'claims to anything for his own.'" Remarks on the title assumed by the Superintendent of the Canadian clergy of Monseigneur, l'illustrissime et reverendissime the Bishop of Quebec, the publication of books for the use of the Diocese of Quebec, the wearing of purple robes, &c., and their avoidance, either in writing or conversation of the title to him (the Anglican Bishop) of Bishop of Quebec. Calls attention to the carrying of the Host, &c., in which they are perfectly justified if they do not violate any stipulation of His Majesty's Ministers. Believes that these the assumption of titles, &c., form a contravention of His Majesty's instructions, the titles not being recognized by the Governors. Compares the situation and powers of the Superintendent of the Canadian clergy with those of the Bishop (Anglican) of Quebec. Government ought to resume possession of the property to which it is entitled, that of the Society of St. Sulpice at Montreal, now enjoyed by French emigrants. Would it be thought expedient to make a compromise for the resumption of these properties by confirming the Bishop and coadjutor in their splendid titles and Episcopal jurisdiction? To give them seats in the Council and pensions from the Crown? On the other hand would such privileges not be a violation of the constitution and destructive of the best hopes

1804.

for the improvement of the country? (This view is argued at some length). Discusses the question of his own public position with no private benefit to balance the public disadvantages, &c. Two appendices, one (D.) showing the jurisdiction of the Roman Catholic Bishop of Quebec to extend to Upper Canada, Nova Scotia, New Brunswick, Prince Edward Island, &c.; the other (E.) that the Governor derives no revenue from granting licenses. Page 171 to 187

Enclosed. Letter from the Bishop to the Lieut. Governor, dated Sans Bruit, 6th June, 1803, on the same subject as the preceding letter. 188

Document in support of his statements.

A.—Comparison between the Protestant and Roman Catholic population in the new townships. 201

B.—Extracts from Quebec *Gazette* to show that the title of Bishop was used by the Roman Catholic Bishop himself. 201

C.—Copy of title of the Epistles, &c., with the official approbation of the Bishop. 202

D.—Books of devotion with a similar approbation. 203

Extract from the minutes of the Executive Council respecting the establishment of the Church of England in Canada, 24th May, 1800. 204

Extract from the minutes of 14th August, 1800, on the same subject. 206

Extract from minutes respecting the erection of parishes, 11th November, 1801, and 27th June, 1803. 208

Copy of Act to confirm certain marriages therein mentioned and to make temporary provision for the celebration of marriage in certain parts of this Province (Lower Canada). 209

Copy of Act to confirm certain marriages. 213

Copy of Act for the relief of Protestant dissenters professing the religion of the established Church of Scotland. 215

Copy of Act to remove all doubts touching the establishment of the religion of the Church of Scotland in the Province of Lower Canada. 219

Leave of absence to the Anglican Bishop of Quebec by Milnes, 23rd December, 1803. 221

November 15,
Quebec.

Milnes to Camden (No. 9). Sends memorial on behalf of John Queen, an apprentice, impressed and carried on board H.M.S. "Orpheus," to have him restored to his master. The injury the practice of impressment does the trade of the country. The danger of the navigation of the St. Lawrence, which is upwards of 400 miles from its mouth to Quebec, requires a certain number of able seamen on board the merchant ships. If the frigate is allowed by a hot press to take off many of the seamen before the merchant ships sail, they are obliged to go with too few hands, increasing the hazard of the voyage, at the same time that the lateness of the season adds to the difficulty of navigation; other reasons against the practice of impressment. The additional ill effects of such a system in a conquered country, as respects the feelings towards Government. A son of Mr. Justice Panet was pressed in London two years ago, and is now serving as a common seaman in the Mediterranean fleet. Asks for his Lordship's interference in this case. 2

Enclosed. Memorial of Frederic Diganardon for the return of his apprentice, John Queen, who had been impressed and carried on board H.M.S. "Orpheus." 5

Copy of the boy, John Queen's indenture, as evidence of his being an apprentice as stated in the memorial. 7

(For answer of the Admiralty respecting Queen and Panet, see Q. 99, p. 68.)

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1804.
November 19, Quebec. Milnes to Camden (No. 10). Sends Journals of the House of Assembly. Page 10
(The printed volume is among the Archives. The Journals have not, therefore, been copied.)
- November 28, Quebec. Same to same No. 11). Dispatches received. The originals of the three first have not come to hand and none marked No. 3 has been received. The dispatches have been a month later than usual of reaching and were not in time to enable him to leave by the Fall fleet, had he so desired. Will inquire of the Deputy Postmaster General respecting the forwarding of public dispatches by private channels. His satisfaction that his steps to obtain secret intelligence of the designs of the King's enemies have been approved of. Is in the highest degree obliged for leave of absence, which he will not take advantage of this winter unless his state of health should render it necessary, as he feels the importance of there being no change of administration, so near the meeting of a new House of Assembly. Sends copy of letter applying for longer leave of absence than what appears to have been intended. 11
Enclosed. Milnes to Camden, Quebec, 26th October, 1804. 14
(For calendar see Q. 95, p. 207.)
- December 1, Quebec. Milnes to Camden No. 12). Sends copy of letter written to the Deputy Postmaster General, and of his answer, relative to the subject of the circular dispatch of 2nd August last, namely, the sending official dispatches by private channels. 19
(The original circular is in Series C, Vol. 283, page 196.)
Enclosed. Milnes to Heriot, Quebec, 30th November, 1804, desiring him to report all instances in which official dispatches had been sent by private channels. 20
Heriot to Milnes, same date. That his official report, on which it was probable the circular was founded, related to Nova Scotia, New Brunswick, Upper Canada and the Military Department of Lower Canada only. No dispatches of the Lieut. Governor of Lower Canada had been sent otherwise than by post. 22
- December 5, Quebec. Milnes to Camden (secret). Sends copy of letter from Merry and of answer respecting information given by a person calling himself Matthew Wing. Had desired to obtain more certain information on the subject and from what he had ascertained from Rouse there does not appear to be the smallest ground for giving credit to Wing's statement. 23
Enclosed. Ant. Merry to Milnes, Philadelphia, 27th September 1804. Sends report by Matthew Wing of a projected rising in Lower Canada, with details of the arrangement for obtaining arms, &c. 24
Milnes to Merry, Quebec, 15th October, 1804. Will investigate Wing's statements. Is justice to the Canadians he must say that the country was never more tranquil and he believes they would never be induced to part with their cattle and horses for the purposes mentioned by Wing. There is not only no remarkable exportation of horses this year, but on the contrary it is small as compared with other years. 27
- December 16, London. Memorial by W. Smith, for a salary to be attached to the office of Master in Chancery to which he has been appointed. 48
- December 17, London. Treasury (W. Sturges-Bourne) to Edward Cooke. Transmits letters from Milnes, dated Quebec, 18th October, 1803, with the proposed Indian establishment for 1805 and with requisition for presents for the Indians, for the opinion of Lord Camden. 232
- December 19, London. Order-in-Council appointing John Lees to the Executive Council of Lower Canada. 223
Order-in-Council of same date approving of John Richardson being appointed an honorary member of the Executive Council. 224
- December 26, Quebec. Milnes to Camden (No. 13). Respecting leave of absence to the Anglican Bishop of Quebec. The memorial of Cuyler transmitted in

1805.

February 16,
Downing
Street.

duplicate of dispatch No. 3, has been referred to Council, but cannot be considered till the Chief Justice is well enough to take the chair of the Committee.

Page 29

Camden to Milnes (No. 8). Monk's claims as Attorney General should be paid for the public service according to the table of fees now in use, but not for proceedings for the private advantage of individuals of which the business of passing Acts of Fealty and Homage should be included. With the deduction on this account Monk's claim to be discharged. Has sent dispatch relative to impressment and to Queen and Panet to the Admiralty; encloses the answer. John Lees to succeed Pierre Panet in the Council and John Richardson to be appointed an honorary member. To take steps to renew to Mrs. Lynd the lease of a farm called Belleville held by her late husband, David Lynd, unless there should be any material objection. Approves of his resolution to remain in the Province until after the meeting of the Legislature.

17

LIEUT. GOV. MILNES—1805.

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1805.
January 2,
Quebec.

Milnes to Camden (No. 14). Sends minutes of Council on State business and concerning Crown lands both between 12th August and 31st December.

Page 2

Minutes, 26th October. Report on the bridge over the river Jacques Cartier.

3

Minutes of 26th October on Crown lands.

5

(For names see alphabetical list.)

January 3,
Quebec.

Milnes to Camden (secret). Sends copies of letters. The second letter from Merry respecting the disturbances alleged by Wing to be in preparation shows that he (Milnes) was correct in believing Wing's account to be a fabrication. In consequence, however, if the arrival of a new Minister, Thuriot, at Washington, had thought it proper that Rouse should be sent there to ascertain if any plan was in contemplation by Thuriot for exciting trouble in the Provinces, so that proper measures may be concerted to meet such a plan.

8

Enclosed. Merry to Milnes, Philadelphia, 24th November, 1804. That no unusual trade has been carried on from Canada in the importation of horses and cattle, and that no purchases of arms have been made at Springfield.

10

Ryland to Richardson, 24th December, 1804. That he is to send Rouse to Washington to ascertain if Thuriot, the new French Minister, has any designs against the Provinces.

12

Milnes to Camden (separate). The lot in Montreal asked for by Cuyler, he had omitted to state, is the one appropriated in dispatch No. 1 of 7th June, as the site for a Protestant Church. Had informed Cuyler of this fact. Has referred to the Council the question of granting to Cuyler a lot in lieu of that already appropriated. The state of the Chief Justice's health may cause delay; sends copy of correspondence with Cuyler on the subject. Ryland's gratitude for the King's bounty.

13

Enclosed. Lynd to A. Cuyler, Quebec, 23rd November, 1804. Desires him to forward the dispatches he had brought from Camden. The grounds in Montreal for which he states he had received an order has already been appropriated as a site for a Protestant Church.

15

Cuyler to Ryland, Quebec, 5th January, 1805. Prays for a final settlement respecting the land in Montreal of which he had obtained a grant.

16

1805.

- Ryland to Cuyler, Quebec, 5th January, 1805. His letter of this date received respecting the lot of land granted to him in Montreal. The Lieut. Governor is sorry for his waiting at Quebec for the decision of the Council, but he desires to have the Chief Justice present at the meeting. Refers to previous letter as to the question of the land in Montreal, for which he considers he holds a grant. But for his keeping back the dispatches from Camden, there would have been no delay in obtaining a decision respecting the land. Page 19
- January 28, Quebec. Milnes to Camden (No. 15). Sends proceedings of Council and report concerning the office of the Surveyor General. The Surveyor General forms the whole establishment being allowed to employ a draughtsman and clerk, for whom and other contingencies he is allowed to charge. In consequence of the importance of the duties, the Council has recommended the appointment of two clerks and an office servant to be appointed by the person administering the Government but under the orders of the Surveyor General, both to be able to act as draughtsmen, one to receive ten shillings a day and the other £150 a year. The establishment in Upper Canada is similar to that now proposed for Lower Canada. 20
- January 28, Quebec. *Enclosed.* The proceedings and report referred to. 22
- Milnes to Camden (No. 16). Sends copy of speech at the opening of the Legislature, of the addresses and the answers. 27
- Enclosed.* Speech. 28
- Address of the Legislative Council. 31
- Answer. 33
- Address of the Assembly. 38
- Answer. 36
- February 14, Quebec. Milnes to Camden (No. 17). The state of the Chief Justice's health prevents the Committee from completing the report on Cuyler's claims. A meeting was held at the house of the Chief Justice at which a report (enclosed) was drawn up. Had since ordered a patent to issue for 3,600 acres in the township of Farnham, granted to Cuyler's wife and two daughters in addition to an equal quantity granted to himself and others of his family in the same township in 1798. Had informed Cuyler of the purport of the report, so that he might be saved from the inconvenience of remaining in Quebec. It is desirable that the Chief Justice should assist in preparing the final report, but in case he does not soon gain strength has urged the Council to complete the report without him. 39
- Enclosed.* Proceedings and report of the Committee of Council on the claims of Abraham Cuyler. 41
- February 16, Downing Street. Camden to Milnes (No. 9). Transmits four Acts of the Provincial Legislature, passed in 1803, to which there appears to be no objection. 37
- February 18, Quebec. Milnes to Camden (separate). Reports the death of Le Maistre, Governor of Gaspé, &c. The state of his health for some years had prevented him from going to Gaspé, and the public concerns there have suffered from the want of an acknowledged agent of Government residing there. The importance of having a suitable successor; recommends Alexander Forbes, a retired captain in the Guards, who is now in England, and to whom he will write that he may wait on His Lordship. 43
- Enclosed.* Copy of Le Maistre's commission as Lieutenant Governor of Gaspé, &c. 45
- March 26, Quebec. Same to same (No. 19). Had delayed sending return of the incomes of the Protestant Church livings, having expected from the Superintendent of the Romish Church a return of the Roman Catholic livings, with proposals for vesting the patronage of them in the Crown, conformably to the intent of His Majesty's instructions, which in this respect have

1805.

not been carried out by any of the Governors. Nor had he been able to enter into the subject of the Seminary estates, which he flattered himself he should be able to do before leaving Canada. Agrees with the Bishop that the salaries of the established clergy are inadequate, particularly considering the increased cost of everything, being a third more than when the salaries were fixed. The generality of the Roman Catholic curates have twice, many of them four times the income of the Protestant clergy, which has a bad effect. There is good ground to hope that the Church Reserves will become productive, but in the meantime recommends that a sum in addition to that now allowed, shall be appropriated for the support of the established Church in Lower Canada.

Page 47

Return of the incomes of the church livings in Lower Canada, with remarks. 50

March 27,
Quebec.

Milnes to Camden (No. 21). Sends copy of speech on the prorogation of the Legislature; 17 bills passed, some of considerable importance. Shall transmit explanations of them with remarks. The business of the Session was carried on with great zeal and attention, fully justifying his opinion previously expressed. 56

Copy of the speech proroguing the Legislature. 57

April 12,
Quebec.

Milnes to Camden (No. 22). Sends schedule of Acts passed last Session, with copy of the Act to provide for the erection of gaols in the districts of Quebec and Montreal. The necessity for these, owing to the insufficiency of the present houses of correction. Documents relating to this subject sent. The gaol at Montreal was partly destroyed by fire in 1803, and although repaired, the walls were insecure. How the bill passed the Legislature; discussions on the ways and means of meeting the cost of building. Petition that he should reserve the bill on the ground that it was unconstitutional. Sends copy of petition and of the Attorney General's report thereon, with his recommendation that the bill should pass. Discusses in detail the objections to the different methods proposed for raising the sums necessary for defraying the cost of the buildings. 59

Enclosed. Schedule of enclosures. 67

Schedule of Acts passed. 69

Copy of the Act for erecting a common gaol in each of the districts of Quebec and Montreal. 73

Presentment of the Grand Jury of Quebec, 17th December, 1802, on the state of the gaol for the district. 88

The same of the Grand Jurors of Montreal respecting the gaol, dated 10th September, 1796. 93

Chief Justice Monk to Ryland, Montreal, 10th March, 1804. Forwards presentment of the Grand Jury of Montreal on the state of the gaol. 95

Presentment of same date. 96

Ryland to Sheriff Gray, Quebec, 15th March, 1804, for explanation on the subject of the Grand Jury's statement relative to the gaol. 98

Sheriff Gray to Ryland, Montreal, 19th March, 1804. Explanation as to the state of the gaol. 99

Petition of the Merchants of Quebec (undated), stating objections to the principle of the bill for the erection of gaols and praying that it be reserved. 101

Report of Attorney General Sewell on the Act for erecting gaols, &c. 108

April 12,
Quebec.

Milnes to Camden (No. 23). Owing to his state of health, the Chief Justice has obtained leave of absence. Hopes that he may return before he (Milnes) embarks for England. Has had to issue commissions of Oyer and Terminer, but this has been attended with no inconvenience. 112

1805.
April 23,
Quebec.

Milnes to Camden (No. 24). Sends minutes of Council respecting the Waste lands of the Crown. Page 113

Enclosed. Minutes, 8th January. Proceedings of the Committee on Crown Lands. 114

(For names see alphabetical list.)

April 25,
Quebec.

Milnes to Camden (secret). The expected death of Chief Justice Elmsley; submits considerations touching his successor. The appointment he had made of a Committee of Council to examine, before he left the country, and report on all matters under reference. Has had no word from the confidential person sent to Washington. Has engaged a fast sailing schooner, his instructions to the Superintendent of Pilots, acting as master he hopes may be approved of. There are now 200 of the British Militia completely clothed at their own expense and regularly exercise. An equal number of Canadian Militia regularly practice the use of firearms but are not yet clothed. 121

Enclosed. Minute of Council, 18th February, on the appointment of Committee to examine and report on all matters of reference before the Council. 124

Instructions to the Superintendent of Pilots, for dealing with the pilots, assisting vessels in distress, preventing pilots from going on board the ships of the enemy should any arrive. 126

April 25,
Quebec.

Milnes to Camden (No. 25). Dispatches received; answers shall be sent by the next opportunity. 129

May 2,
Downing
Street.

Camden to Milnes (No. 10). Dispatches received and laid before the King. The future establishment of the Surveyor General's office approved of. 38

May 13,
Quebec.

Milnes to Camden (secret). Death of Chief Justice Elmsley, on the 29th of April, at the age of 42, leaving a large family. Discusses the qualifications of those in Canada likely to apply for the position. The unfitness of Monk for reasons given. Does not think Alcock could fill the office with proper dignity. The qualifications required in a Chief Justice. The only one here whom he could recommend is the present Attorney General Sewell, but were he appointed Chief Justice it would be difficult to fill his present office. 130

Enclosed. Milnes to Hobart, dated 17th June, 1802, (abstract) pointing out the unfitness of Monk to be Speaker of the Legislative Council. 135

May 21,
Quebec.

Milnes to Camden (secret). Report from Richardson of the information obtained by Rouse in Washington. The French have no present design to attack Canada and it is not their intention to risk a fleet in the St. Lawrence further than to land troops and go to sea again immediately. Rouse's information corroborated; to keep this channel of information open has sent a warrant to pay him £100 currency in addition to the sum already paid him. 136

Enclosed. Richardson to Ryland, Montreal, 9th May, 1805. Sends Rouse's report of what he had discovered in Washington. Consideration as to the credit to be given to his statements. 138

June 5,
Quebec.

Milnes to Camden. Sends certified copy of the rates of exchange and current prices at Quebec for April last. 142

Enclosed. Prices current at Quebec for April, 1805. 143

June 11,
Quebec.

Milnes to Camden (No. 26). Sends copies of the Journals, Acts, &c., Chapters six, nine and twelve, as they relate to the improvement of inland navigation are of very considerable importance, especially the one for the regulation of pilots, by which a Trinity House is to be created. The reasons for this creation. The Act to establish a turnpike between Montreal and Lachine, being the first of the kind is of importance as setting an example to others. Some additional remarks on Act for erecting a gaol in the district of Quebec and Montreal. The Act to

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The Act to

authorize Thomas Porteous to build a bridge over a branch of the River Ottawa will afford means of facilitating intercourse in a part of the Province where, from its populousness and situation, an easy communication is of the most importance. A review of the whole of the Acts passed last session will show gradual improvements in the Colony.

Page 146

June 18,
Quebec.

Milnes to Camden. Transmits certified copy of rates of exchange and prices current for May last. 150

Enclosed. Prices current. 151

June 18,
Quebec.

Milnes to Camden (No. 27). Dispatches received; previous dispatches acknowledged. The difficulty of obtaining the prices current required by the Duke of Portland. The merchant who certified those sent cannot vouch for their correctness. Monk, recommended by the Duke of Kent, and now a judge in Nova Scotia, was originally a merchant in Halifax, failed and settled at a country village (Windsor), where he was allowed to practice as an attorney, was Major of the Nova Scotia regiment and on resigning was raised to the Bench. He is said to be a man of character. But there is no vacancy at present, Dunn not having resigned his office of puisné judge. The peculiar nature of the Civil Laws renders the choice of a judge delicate and important. Is happy to find he was correct in his construction of His Lordship's letter respecting fees. Shall issue a warrant for the payment of Monk's fees on receiving a report on the audit of his accounts. Asks that consideration of Mrs. Lynd's petition for a renewal of her lease on the Jesuit estates be deferred. 154

July 4,
Quebec.

Same to same. Sends copy of letter from Sir G. Pownall requesting leave of absence. As he had appointed a sufficient deputy, leave could not be refused. Introduces and recommends him. 157

Enclosed. Pownall to Milnes, Quebec, 1st July. His uncle having left him heir to his estates, asks for leave to look after affairs. 158

July 4,
Quebec.

Milnes to Camden (No. 28). Refers to dispatch of 4th January, 1801, from the Duke of Portland, to understand the purport of this letter. Has made no material progress with the Catholic clergy more than preparing the mind of the Roman Catholic Bishop for the condition on which a demand for an increase to his allowance may be complied with, namely, that he shall conform to the 49th Article of His Majesty's Instructions, requiring that no person shall have the cure of souls without a licence from the Governor, not enforced, but which the Duke of Portland had directed an endeavour should be made to effect by every prudent means. The Coadjutor in absence of the Bishop had agreed to a discussion and it was arranged that a meeting should take place between him and the Attorney General (Sewell). Encloses report of the conversation. The matter rests till the arrival of the Roman Catholic Bishop, who he understands comes down to bring the matter to a termination, if possible. Has no doubt both Bishop and Coadjutor would accept the terms offered but for the fear of public clamour. The religious bodies are in possession of lands equal to one-fourth of all the seigniories granted prior to the Conquest, and all the patronage of the Roman Catholic living has been in the uncontrolled possession of the Bishop: the question is, therefore, of the first magnitude; its great importance for reasons given. Sends documents relating to the Seminary estates at Montreal. The Superior of the Seminary, M. Roux, states the income to be £3,700 currency; from Roux's character cannot doubt his statement, but the revenues are generally supposed to be much larger. Sends report on the estates drawn up in 1789 and one by the present Attorney General. The first was occasioned by a memorial by the ecclesiastics to Dorchester in 1788; it is so full as to need no further observations and its conclusion is that the estates belong to and are held

1805.

in trust for His Majesty, an opinion concurred in by the Attorney General for reasons given, as he had been asked to enter fully into the subject. How possession should be taken with the greatest possible leniency of the 22 persons named in the statement by M. Roux, 15 are French emigrant priests and not one of the remaining 7 belonged to the Seminary at the time of the Conquest. No new members should be admitted to the Seminary and means should afterwards be fixed upon for examining into the establishment and for ascertaining the revenues, the utility of the Seminary for the education of youth, the number of priests required for that establishment, the number necessary for the parochial service of Montreal and vicinity and for the Mission at the Lake of Two Mountains, all which must be provided for. Before taking the property into the hands of Government an amicable arrangement should be made with the priests whose services are no longer wanted, either to withdraw on pensions for life either from the revenues of the estates or by providing them with livings as these fall vacant. Suggests that of the remaining incomes part might be used to pay salaries to the Bishop and Coadjutor should they agree to the proposal in the first part of the letter and the surplus appropriated to the establishment of means of education in the Province, now inadequate, which would remove the necessity of sending children to a distance, thus preventing the spread of pernicious principles and the "discontent that might otherwise arise from the withdrawing the estates out of the hands of those persons who have now insensibly become possessed of them, and whose influence, from the extent of the rights they have enjoyed cannot fail to be considerable; though they are certainly weakened by the circumstances of their being vested chiefly in the hands of emigrants and not natives of Canada." Urges the caution that should be used for carrying his proposals into effect, as otherwise injury instead of benefit might result. Transmits proceedings of the Commissioners for the Jesuit estates from the 26th of May, 1800 to the 14th May, 1805, and the last report showing from July, 1800 to the present time, a net revenue of £5,221 15s. currency or £4,699 11s. 6d. sterling. To facilitate the investigation has sent extracts from his communications on these estates, connected as it is with education, the information being scattered through so many dispatches. The great importance of an establishment for education, the necessity for which is daily augmented, as the most promising youth must either remain without education or be sent for it to the United States, few having the means of sending their sons to England. The prejudicial effects; the Canadians feel it the more, as before the Conquest the Jesuit College afforded ample means of education, and the young men were besides led to enter the army, to do which they have not now the same inducement, nor have they the means to purchase commissions. Sends extracts of previous correspondence and the report of the Executive Council. Reports the obstacles to carry out orders for the establishment of seminaries, owing to the difficulty of selling lands even at the low rate at which they were exposed to auction. Sends copy of address and of his answer, in March, 1800, on the subject of the claims of the Province on the Jesuit estates to be applied to the purposes of education. This should be attended to, so that a pretext for opposing Government should be taken out of the hands of those who desire to do so. On the death of Father Cayot, he (Milnes) had taken possession of the Jesuit estates, and entrusted the management to an unpaid commission, which receives the rent and ascertains the value of the lands but has made no concession nor granted leases. If the revenues of the estates are to be allotted to education, submits whether it might not be advisable to invest them in

1805.

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a corporation subject to the control of the person administering the Government of the Province.

Enclosed. Portland to Milnes (extract), Whitehall, 6th January, 1801, respecting an increased allowance to the Roman Catholic Bishop of Quebec. Page 174

Report, 26th April, of first conversation between Bishop Plessis and Attorney General Sewell referred to in letter (No. 28). 175

Report of second conversation between the same. 188

Return by M. Roux, Superior of the Seminary of Montreal, since 1795. Return dated 19th February, 1800. 194

Observations and remarks, dated 21st March, 1789, by the Attorney and Solicitor General, respecting the St. Sulpicians at Montreal, with extracts of deeds, concessions, &c. 204

Report, 2nd July, 1804, on the preceding paper, by Attorney General Sewell. 245

Copy of the conveyance from the Seminary of St. Sulpice of Paris, to the Seminary of Montreal of the 29th April, 1764, referred to in Attorney General's report of 2nd July, 1804. 264

Proceedings of the Commissioners for the management and improvement of the Jesuit estates, from 26th May, 1803, to 14th May, 1805. 271

Report. 305

Abstract of Accounts. 306a

Extract of dispatch, Milnes to Portland, 31st January, 1800, respecting the Jesuit estates. 307

Extract, Portland to Milnes, 12th July, 1800, respecting the establishment of schools and seminaries. 309

Other documents on the Jesuit estates and education. 311 to 323

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(The figures after the names show the pages.)

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C.—Clarke, Isaac Winslow, 6; Cuyler, Abraham, 118.

G.—Gautier, Chas., 116; Grece, Chas. Fredk., 6.

L.—Le Maistre, Francis, 116; Lock, James, 117.

Mc.—McMillan, Archibald, 7.

S.—Sanford, Ephraim, 7; Scott, Mathew, 114, 115; St. Francis Indians, (see Abenakis); Suffolk, 7.

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H.—Halifax, 114, 115.

N.—Newton, 6, 7, 117, 118.

S.—Stanstead, 117.

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S.—St. Hyacinthe, 119.

LIEUT. GOV. MILNES, ACTING GOV. T. DUNN—1805.

Q. 98.

Milnes to Camden. Sends certified copy of rates of exchange and prices current. Page 1

Enclosed. Prices current at Quebec for June, 1805. 2

Milnes to Camden (No. 29, secret). Has the satisfaction previous to leaving to enclose the petition of M. Denaut, which he flatters himself will give an opening to the final arrangements with regard to the Roman

1805.
July 17,
Quebec.

July 27,
Quebec.

1805.

Catholic clergy, which he has had in view for several years. Has found M. Denaut uniformly candid and open and truly attached to the Government. It will be observed he signs as Bishop of the Roman Catholic Church and prays that the title of "Bishop of the Roman Catholic Church of Quebec" may be acknowledged, which is not done in the King's instructions, where he is called "Superintendent." It has always, however, been used in courtesy, except in official letters. He and his predecessors have always been addressed as "Monseigneur," and as Mr. Denaut has been in the habit of signing as Bishop he did not insist in the petition on a different signature, being unwilling to hurt the feelings of a man of his advanced age and who has conducted himself with so much propriety. From his departure being fixed for the first of the month cannot discuss other affairs. Page 5

Enclosed. Petition (in French), "Requête de Pierre Denaut, Evêque de l'Eglise Catholique Romaine." That the Bishopric of Quebec was erected in 1664, and has been successively filled by Bishops, the sixth of whom died in 1760, at the time of the Conquest. That since then the Catholics have continued to have Bishops who, after taking the oath of allegiance have always exercised their functions with the permission of His Majesty and under the protection of the different Governors, the petitioner being the fourth since Canada happily passed under the Crown of Great Britain. That the extension of the Province and increase of the population requires more than ever that the Bishops be clothed with such rights and dignity as His Majesty may think suitable, to lead and restrain the clergy and people and to imprint more strongly on their minds the principles of attachment and loyalty to their Sovereign and obedience to the laws. That yet neither the petitioner nor his predecessors since the Conquest, nor the parish priests (*cures des paroisses*) have had from His Majesty the authorization which could prevent doubts in the courts of justice respecting their civil functions. Prays therefore that he and his successors may be civilly recognized as Bishop of the Roman Catholic Church of Quebec and enjoy such temporal prerogatives, rights and emoluments as His Majesty may graciously attach to the dignity.

July 30,
Quebec.

Milnes to Camden (No. 30). Sends copy of minutes of the Executive Council on State business from 16th March to 24th July, and on Crown lands from 24th April to 13th instant. The recommendation of the Council to send a commissioner and land surveyor to Bay of Chaleurs to settle disputes about lands. Thinks that whoever is appointed Lieut. Governor of Gaspé should first examine into the subject; has not, therefore, given effect to the recommendation. 11

Enclosed. Minutes, 26th April. Reports of Committee 3, 4, 5, 6 and 7 concurred in. 13

Report on Beek's application for an increase of salary. 14

Report on petition of Jean Bouthillier and Louise Perthuis on the pension of Madame Perthuis, exonerating them from any charge of attempting to defraud Government in receiving the pension after the death of Madame Perthuis. 16

Reports on memorial from Sir George Pownall for stationery, parchment, &c. 18

Minutes, 13th March. Petition for Crown and Church Reserves. 19
(For names see alphabetical list.)

Minutes, 29th March. Seventh report of a special committee on the petition of the Sheriff for allowance at an execution. 26

Minutes, 1st April. Petition of the inhabitants of sundry townships. 27
(For names see alphabetical list.)

Report on petition of Robert Jones, M.D., Montreal. 27
Notice respecting reserved lots. 29

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August 1,
Quebec.

Minutes, 22nd May. Report respecting the lease of the St. Maurice Forges, with details. Page 30, 32
Order to issue a proclamation that Spain has declared war. Proclamation given in full. 41
Minutes, 13th July. Journal and report of a Committee of the Whole on the complaint against Sheriff Blackstone. The charges, substance of replies and finding given in full. 44 to 66
Report on the claim of Jonathan Hart for remuneration for services. He was awarded £50 in full. 67
Report on petition of James Irvine to be confirmed in his encroachments on the beach behind his premises in Peter Street, Quebec, decision suspended till the whole question of an encroachment comes up. 68
Report on the petition of Burns & Woolsey that their commission on the sale of the King's posts, &c., be fixed; that the commission be fixed according to the practice in England in leasing His Majesty's property or that the sum of £100 currency be paid if Burns & Woolsey accept this as a final settlement, and that in future the commission be fixed before the sale. 69
Consideration of the claim of Dr. Jones renewed. 71
Proposed advertisement respecting the Forges at St. Maurice. 72
Conditions of sale specified. 74
Minutes, 24th July. Appointment of John Lees as Executive Councillor and Judge of the Court of Appeals; he takes the oaths and his seat. 77
The Lieutenant Governor informs the Council of his having obtained leave of absence, and that Dunn, the oldest Councillor should administer in his stead. Proclamation ordered accordingly. 78 to 86
Minutes on land business, 26th April. The 1st, 2nd, 3rd and 4th reports presented.
First report. 88
Second report. 91
Third report. 95
Fourth report. 101
(For names see alphabetical list.)
Remarks on the reports. 102
Minutes, 13th July. Report on the petition of Benjamin Reynolds. 103
Fifth report. 105
Milnes to Camden (No. 31). Encloses report of Committee on objects of importance to the new settlements on the grants made since he assumed the administration. The report has arisen from a memorial from the inhabitants of sixteen newly settled townships, containing upwards of 5,000 souls, chiefly from the United States, Protestants and holding their land under a different tenure from that in the time of the French Government. The first clause of the report, that relating to the division of the townships into counties for representative purposes is of the highest importance. The caution that should be used in bringing forward such a measure. Since the memorial was presented the militia has been organized and placed under the command of Sir John Johnson; Magistrates are also appointed. Encloses report of the Attorney General on the memorial. The reports contain the following subjects to be considered at a future time. 1. The formation of new counties, with the privilege of returning members to represent them in the House of Assembly; 2. The establishment of accurate boundaries between the district of Three Rivers and the districts of Quebec and Montreal; 3. The establishment of Circuit Courts for the trial of causes not exceeding Twenty pounds; 4. The modification of the existing Road Act, so as to meet the circumstances of the new townships; 5. The establishment of offices in each county for the enregistration of deeds of sale, &c.; 6. The

1805.

establishment of a Custom House and port of entry on the line between the Province and the United States in addition to the Custom House at St. John's; 7. The establishment of a Protestant clergy in the townships; 8. The appointment of magistrates and the organization of the militia as their population shall require. Page 109

Report of Committee, 26th July, referred to in preceding letter. 113

Opinion of the Attorney General Sewell, 10th May. 123

August 1,
Quebec.

Milnes to Camden (No. 32). Has received from the Deputy Commissary General an account of fuel and candles issued to Government House at Quebec. Sends copy of the letter containing the account, and the answer. Sends also letter to Secretary King and extract from dispatch to Portland that the allowance for Chateau should be continued. Since October, 1830, the expense of fuel, &c has been defrayed out of the Civil revenues, and although no less than thirty fireplaces were constantly supplied through the winter yet the consumption has been one-third less during the last six years than under Dorchester and Prescott's administrations. Requests that the issue from the military stores ordered by Hunter be sanctioned, or that payment be directed to be made out of the revenues of the Province. 133

Enclosed. Craigie to Milnes, with account for fuel &c., 26th July. 136, 138

Hunter to Craigie, 24th July, desiring him to send account for fuel, &c., to Milnes. 137

Answer by Ryland (Secretary) to Craigie respecting fuel. 139

Extract, Ryland to King, 31st January, 1800. 141

Extract, Milnes to Portland, 30th October, 1800. 143

August 1,
Quebec.

Milnes to Camden (No. 33). Sends extract of dispatch from Hobart of 9th September, 1803, authorizing him to receive arms necessary for the militia from His Majesty's magazines at Quebec, and copies of letters on the same subject and how the arms were received. Four companies of English militia formed, with the arms thus furnished, composed of the finest young men of the English battalion of Quebec, most of whom have clothed themselves and by constant attention to drill are equal in appearance to regulars; of these there are 275 privates, independent of the Canadian companies, who came forward on the same principle, except that few of the privates are equal to clothing themselves. How the companies are commanded, small armouries established for the reception of arms, &c., to prevent unpleasant effects in leaving them in the hands of individuals. The obstacle to obtaining additional arms, and General Hunter's conditions respecting those already issued, from which he concludes that the General does not intend to pay any further regard to Lord Hobart's dispatch of 9th September, 1803, that arms are to be drawn as required for the militia service. Is at a loss to understand the cause of the change in General Hunter's sentiments. Is under the unpleasant necessity of submitting the case for further instructions. The awkward predicament in which he is placed. Should the arms be withdrawn now in possession of the military, it would cause such disgust as could not afterwards be done away, and put an end to the spirit it had been his constant care to encourage, as it cannot but give strength to Government, especially at a time when the garrison of Quebec is left with so few regular troops. 144

Enclosed. Extract, Hobart to Milnes, 9th September, 1803, authorizing him to receive arms for the militia from the King's magazines. 151

Milnes to Hunter, 11th November, 1803, forwarding the preceding extract. 152

Hunter to Milnes, 9th December. That he had instructed Mann to issue the arms. 154

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Quebec.

Ryland to Brock, 11th April, 1805, for 80 stand of arms for the militia. Page 156

Brock to Milnes, same date. That he has no authority to issue the arms. Will transmit the application to General Hunter. 157

Other correspondence in July on the subject. 158 to 166

Milnes to Camden (No. 34). Sends two requisitions for stationery. 167

Enclosed. Requisition for stationery for the Secretary's office. 168

Requisition for stationery for the Indian department. 170

Milnes to Camden (No. 35). Sends requisition for stores to supply presents for the Indians. 171

Enclosed. Requisition. 172

Milnes to Camden (No. 36). He will embark to-morrow in H.M.S. "Uranie." Requests that the usual allowance for such may be made to the Commander, Captain Herbert. 173

Same to same (No. 37). Sends Journals of Legislative Council and exemplifications of the Acts passed at the last session. 174

Same to same. Had omitted to say in his letter which stated that he was about to embark, that the administration of the Government would devolve upon Thomas Dunn. His character. 175

Same to same. Sends copy of letter addressed to Heriot, Deputy Postmaster General and of answer. Thinking his conduct detrimental to the public service cannot avoid suggesting that it be submitted for consideration to the Postmaster General. The inconvenience of leaving it to the direction of the Deputy Postmaster to return letters sent after the mail is closed to go to a ship of war which may be still in the harbour, or to send them by such opportunity as he may see fit. Nor has he followed the previously invariable practice of giving information to the Governor when a mail is to be made up. 176

Enclosed. Ryland to Heriot, 4th August. That the dispatches sent yesterday afternoon to go by the mail had been sent back with a verbal message that the mail was closed. As the frigate is still in the harbour the Governor orders that another mail be made up and sent by her. 178

Heriot to Ryland, same date. That sending dispatches seven hours after the mail is closed, without any written request is highly disrespectful, that he is not obliged to send dispatches on board of vessels and that he can receive no orders except through the General Post Office. 179

Dunn to Camden (No. 1). That Milnes embarked in the "Uranie" on the 5th and sailed the same day. As administrator his best endeavours shall be used to preserve the good order and tranquility which now prevails in the Colony. Sends list of the Executive Council, on which he has marked the attendance usually given by the members, and transmits, as instructed, a similar list each packet, and shall send the earliest intelligence of all matters relative to this Government. Commissions of Oyer and Terminer were issued by the Lieut. Governor before he left; shall issue similar commissions should the public service require them. 180

Enclosed. List of the Executive Council, with notes on the attendance of members. 182

Dunn to Camden (No. 2). Sends certified copy of rates of exchange and prices current at Quebec for July. 183

Enclosed. Prices current. 184

Dunn to Camden. Refers him to No. 1, stating that Milnes had sailed and he (Dunn) had assumed the administration. Death of General Hunter at 4 o'clock in the afternoon of this day. The command of the forces will, he presumed, devolve on Col. Bowes of the 6th regiment. The two Provinces are now without a General Officer, a Lieut. Governor or a Chief Justice. 187

1805.

August 21,
Quebec.

Col. B. Ford Bowes to same. Official report on the death of Hunter and that he (Bowes) has taken the command of the forces. The death being sudden, he was not in full possession of Hunter's intentions, but as he had intended to return to Upper Canada, leaving him (Bowes) to command in Lower Canada, he had a general knowledge of them so that he trusts to be able to carry on the service in a satisfactory manner. Has sent word by express to Russell, senior member of the Council of Upper Canada.

Page 188

September 5,
Downing
Street.

Castlereagh to Milnes (No. 1). Transmits copy of letter and paper relative to the culture of hemp in Canada. The paper to be translated into French and, with an engraving also sent, circulated in the Province of Lower Canada.

190

September 11,
Quebec.

Circular dated 10th July, 1805, in Series C, Vol. 245, p. 107, states that Castlereagh had succeeded Camden in the Colonial and War Department.)

Dunn to Camden (No. 3). Circular to Milnes received; the strictest attention shall be paid to communications from the Board of Health. There is no appearance of any malignant or infectious disease in the Province, nor has it been visited with any for several years. Sends list of the Executive Council.

191

(For list see page 182.)

September 11,
Quebec.

Bowes to Camden. Had opened letters addressed to Hunter from His Lordship. Letters of 30th June and 3rd July (No. 8) being on civil affairs he had forwarded to Russell, and extract from so much of No. 9 as related to the same subject. Previous to Hunter's death orders had been given for arrangements to secure the ordnance stores. It seems to be too late to erect the small magazines, but preparations are made for carrying on the work early in spring.

192

September 25,
Quebec.

Dunn to Camden (No. 4). Sends minutes of Executive Council on State business between 25th July and 18th instant.

194

Enclosed. Minutes, 31st July. The tenth report of special committee presented.

195

(Copied at p. 113.)

Eleventh report.

197

Report of Committee on the petitions of Thomas Faunce, C. G. Stewart, William Wilson, Augustus Willing and Hugh McDonald.

198

Report on Public Accounts, with journal and proceedings.

200 to 216

229 to 240

September 28,
Downing
Street.

Castlereagh to Milnes (No. 4). Sends list of Acts who do not appear to be liable to any objection.

217

October 8,
Quebec.

Dunn to Camden (No. 5). Transmits certified copy of the rates of exchange and prices current at Quebec for August.

220

Prices current

221

October 9,
Quebec.

Dunn to Castlereagh (No. 1). Has received circular that His Lordship has been appointed to the Colonial and War Department in room of Camden.

224

October 24,
Quebec.

Bowes to same. Sends copy of correspondence with Dunn respecting the deficiencies of the civil revenues, which he had declined to make good, without the certificate of Milnes. In this he is acting in accordance with the decision of Hunter. Believes no inconvenience will arise from the refusal, as no further sum will be required till next May.

225

Enclosed. Application by Dunn, referred to, dated 21st October.

227

Dispatches of Portland, dated 19th April, 1803, authorizing the payment of deficiencies in the civil revenues by order from the Commander-in-Chief in Canada.

228

Letter, Bowes to Dunn, 23rd October, that he cannot supply the deficiency in the civil revenue without the certificate of Milnes.

241

1805.

October 26,
Quebec.

Dunn to Castlereagh (No. 2). Transmits reports on the claims of Monk, for services whilst Attorney General. History of the steps taken by Monk to obtain a settlement which had been suspended by Dorchester. The difficulty met with by the Committee in arriving at a decision. The division of the account; comment on the remarks of the Committee. Statement by the chairman of the difficulty of obtaining proof of the duties performed by Monk and suggesting that a fair settlement would be arrived at by allowing £690 a year for the time covered by the accounts, deducting salary and contingencies already paid. This would leave a balance of about £1,000. The suggestion would have made part of the report, but the Committee did not feel at liberty to do so under the reference.

Page 244

Enclosed. Reference to a Committee, 10th June, 1805, of the claims of Monk, for examination. 250

Journal of proceedings of Committee. 251

Statement of Monk's claims. 257

October 26,
Quebec.

Dunn to Castlereagh. States his services for upwards of forty years and refers to Dorchester for his opinion on their value. Is now acting as administrator; the expense entailed. Proposes to draw for £500 on account till His Majesty's pleasure be known as to the allowance. 261

October 26,
Quebec.

Same to same (No. 3). Respecting the discharge of the deficiency in the civil revenue by the Commander of the forces. (Substantially as in letter from Bowes with enclosures, pp. 225, &c.) 263

October 28,
Quebec.

Same to same (No. 4). Sends Naval Officer's returns of vessels entered and cleared at Quebec, between 10th October, 1804, and 10th instant. 266

1806.

April 4,
Downing
Street.

Enclosed. The returns in detail, eight in number. 267 to 274
Windham to the officer commanding the forces in Upper and Lower Canada. That during the absence of the Lieut. Governor the deficiencies in the civil revenue are to be made good on the certificate of the person administering the Government. 243

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(The figures after the names show the pages.)

A.—Allard, Augustin, 92.

B.—Baker, Oliver, 27; Baujeu, Widow, 99; Bedard, Pierre, 21; Bell, James, 96; Brimmer, Isabella, 97.

C.—Chiniquy, Charles, 90, Louis, 90, Marguerite, 90, Marie, 90, Martin, 89; Church, John, 32; Clark, Chas., 21; Connell, James, 97; Creamer, Peter, 106; Cross, Margaret, 98.

D.—Dunn, Henry, 100.

F.—Fairbairn, James, 97; Ferguson, John, 97; Fraser, James, 97; Frasier, Joel, 96.

G.—Gautier, Chas., 88; Grant, Archibald, 97.

H.—Hard, James, 97; Harris, Wm., 99.

J.—Jeune, Simpson, 98; Johnson, Sir John, 89; Jones, Dr. Robert, 27.

L.—Lake, Richard, 96; Lamontange, Pierre, 97; Le Blanc, Joseph, 92.

Mc.—McCallum, James, 26; McCullough, James, jun., 99; McMillan, Elizabeth, 91.

M.—Moore, Wm. Sturge, 22; Mount, Philip, 96; Muirhead, John, 97.

P.—Pattee, Levi, 20.

R.—Reynolds, Benjamin, 104, Wm., 97; Robertson, Alex., 107; Robinson, John, 98.

S.—Sanford, Ephraim, 24; Schieffelin, Jacob, 97; Scovel, Stephen, 23; Seager, Adam, 98, David, 98, Michael, 97, Peter, 98; Shufelt, George, 23; Smith, David, 96; Steel, John, 20; Sunholm, Magnus, 97.

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T.—Tripp, Robert, 90.
 W.—Wade, Joshua, 22; Wadley, Wm., 20, Wm., sen., 21, Wm., jun., 21; Walker, John, 23; Wentworth, Melzar, 20; White, Samuel, 97.

TOWNSHIPS.

A.—Ascott, 27; Auckland, 100, 106.
 B.—Barnston, 27; Bolton, 97; Brompton, 27; Buckingham, 24; Buckland, 88.
 C.—Carleton, 92; Compton, 27.
 D.—Dudswell, 27, 101; Dunham, 22, 23.
 E.—Eaton, 27.
 H.—Hatley, 27; Hemmingford, 26, 99; Hereford, 27.
 K.—Kinsey, 20.
 M.—Maria, 92; Melbourne, 27, 99, 106.
 N.—Newport, 27; New Richmond, 92.
 O.—Orford, 27.
 S.—Shefford, 96; Shipton, 21, 27; Stanbridge, 104; Stanstead, 20, 27, 100; Stone, 27; Sutton, 91.
 W.—Wendover, 101; Westbury, 27; Windsor, 21, 27.

ACTING GOV. T. DUNN AND MISCELLANEOUS—1805.

Q. 99.

1805.
 January 3,
 Downing
 Street.

Camden to Bishop (Anglican) of Quebec. Shall recommend that his request for leave of absence be granted. Shall be happy to converse with him, when he arrives, on the subjects touched upon in his letters, but cannot hold out expectations that it shall be recommended to the King that he shall be allowed to divest himself of his diocese, although an endeavour shall be made to relieve him of inconveniences. Page 66

January 3,
 Admiralty.

Barron to E. Cooke. That the Lords of the Admiralty that orders are given for the discharge of John Queen (Q. 96, p. 2) and—Panet (p. 4), if the circumstances are as represented. 68

January 3,
 London.

(For discharge of Panet see page 183.)
 Lord Harrowby to—. Enclosing Grece's letter for consideration, as the subject is out of his line. 69

Enclosed. John W. Grece to Harrowby, dated Surrey, 20th December, 1804. That in 1801, at the time of the Confederacy of the Northern Powers, which prevented the importation of grain, he had addressed a letter to His Lordship on a plan to obtain a supply, and in consequence large quantities were shipped in the face of opposition. The high cost he had paid in Prussia, with the freight and rate of insurance, necessary to overcome these obstacles. While the wheat was on the way, the victory of Copenhagen, the submission of the Northern Powers, &c., so depressed the price of wheat that it fell from 126s. to 105s. the quarter in London. There was an indemnity, provided it fell below 100s., but this did not benefit him and he could not apply to Parliament, as that would make public an arrangement on which silence was to be kept. He proposes to remove to Lower Canada, provided a sufficient grant be made and would endeavour to introduce the culture of flax and hemp. Begs that he may be recommended for the grant of a township or 50,000 clear of reservations on the border of the River Ottawa in both or either of the Provinces of Upper or Lower Canada. Except for the fur trade, these Provinces can be valuable only in proportion as such enterprises as he proposes shall be undertaken. To overcome the difficulties of clearing, &c., (enumerated) labourers must be brought out at great expense, and he urges these considerations as justifying his application for an extensive

Wm., jun.,
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1805.

January 9,
Surrey.

tract, and he asserts that in 1801, when pursuing a mistaken prospect of personal advantage, he rendered great service to his fellow subjects.

Page 70

Greece to Camden. That he had written to Lord Harrowby. The letter transmitted to His Lordship (Camden) contained the grounds on which he applied for a grant. He encourages the hope that he may contribute to lay the foundation for advancing the interests of the Provinces.

75

Enclosed. Memorial for grant of land.

77

January 12,
Whitehall.

Lords of Trade per Fawkener to Edward Cooke. Asks to be informed what steps have been taken by the Executive Council of the Provinces of Upper and Lower Canada to encourage the growth of hemp therein.

81

January 12,
London.

Rashleigh, Son & Lee to Cooke. Ask that after Monk's papers are looked over they be granted an interview so as to have the matter settled, send extracts from Monk's observations.

82

Enclosed. Extracts from Monk's letters to Rashleigh, Son & Lee

83

January 26,
Rolls House
London.

W. Grant to Camden. Sends memorial from Quebec (Mrs. Lynd's). Can vouch for the situation and services of petitioner's late husband, and to the expenditure on the farm in question.

94

Enclosed. Memorial of Mrs. Lynd, widow of David Lynd, late prothonotary of King's Bench, Quebec, for lease for 99 years of farm held by her husband.

95

January 31,
London.

Order-in-Council assenting to Act regulating the Police, passed by the Legislature of Lower Canada.

98

February —
Montreal.

Memorial of the merchants of Montreal to the Legislative Council against the proposal to place an import tax on goods for the purpose of building gaols, and praying to be heard at the bar of the House in opposition to the same.

100

A similar petition was sent by the merchants of Quebec, to Sir R. S. Milnes; the title only is given.

109

March 2,
Montreal.

A. Cuyler to Cooke. Had learned on his return that it was intended to appropriate for the site of a church, a lot of ground assigned to him, instead of having the church rebuilt on the old site as requested by the rector and parishioners. That he might not be deprived of this lot and of the waste lands, owing to the unfriendly disposition of this Government, had apprised the Governor by letter that he had received an order from Camden for the lands and lot. The steps he had taken to establish his claims, the obstacles in his way. Details are given of vacant lots, &c., available for the church without taking that assigned to him, but he is willing to take one outside the walls. His services, losses, &c.

110

Enclosed. Copy of Cuyler's memorial.

116

Copy of Cuyler's letter to Milnes, 26th November, 1804.

119

Answer by Milnes through Ryland 29th November.

120

Other documents on the subject.

121 to 180

May 18,
London.

Memorial of John Briggs, praying that he may succeed Thomas Dunn, as a puisné judge for the district of Quebec.

181

May 22,
Admiralty.

Maraden to Cooke. By a letter from Lord Nelson it appears that Panet, impressed and taken on board the "Excellent," has been discharged.

183

(See Q. 96, p. 4 and Q. 99, p. 68.)

May 25,
London.

Ordnance Office by Crew to Cooke. Had been in communication with the officers of Artillery and Engineers in Quebec, and although no complete arrangement could be made for defence until the system is adopted, yet the ammunition ought, at all events, to be placed in safety, the Citadel house repaired for this purpose and small magazines to be built for the supply of the batteries round the town. Asks that Camden be moved to send directions to Lieut. General Hunter for the performance of the service.

184

1805.

May 28,
Quebec.

Observations by J. Ker, Judge of the Court of Vice Admiralty for Lower Canada, on "An Act for the better regulation of pilots and ship-ping in the Port of Quebec and in the Harbours of Quebec and Montreal, for improving the navigation of the River St. Lawrence and for establishing a fund for decayed pilots, their widows and orphans."

Page 186

June 12,
Rolls House,
London.

Sir W. Grant to Camden. Asks that the Viscount de Vaux may, if it can be done, obtain what he desires, as it would be an act of charity, otherwise he will lose all the advantages he expected from his grant of land.

194

June 16,
London.

Viscount de Vaux to Grant. That he would use his influence with Camden to be sent to Canada immediately and receive there the same allowance for him and his family as he would receive in London, which with arrears would amount now to £3,000. That the quantity of land, a township he asks for, should be settled before he sailed. De Puisaye has had for himself alone, more money than he asks for all his people, who number 20. He, however, confines his wishes to be sent immediately to Canada after obtaining means to pay his debts.

195

(There seems to be an error in the dates of these letters, that of the Master of the Rolls, Sir W. Grant, of the 12th June, having reference, apparently, to de Vaux's letter dated the 16th.)

July 2,
King's Bench.

Memorial of Charles de la Garde. That he had received a grant of land in Canada; how he was prevented from taking possession; his losses have caused him to be sent to the King's Bench prison; prays that the Government would repurchase the land granted to him, so that he might be released and enabled to return to Russia.

197

Enclosed. Copy of letter from Sir Joseph Banks on the assistance rendered by the Russian Commander at Kamschatka to the ships under Captain Cook; when they touched there in 1779. On his retirement his youngest daughter was married to Charles de la Garde, Chamberlain to the King of Poland, but the Polish revolution deprived him of his whole fortune. In this condition his father-in-law, the former Commander at Kamschatka recommended him to go to England and ask for land in Canada; should it be granted the father-in-law will supply two superior attendants and a sufficient number of persons to cultivate the land. Urges that the grant be made.

200

Portland to Prescott. Transmits letter from Banks and desires him to give de la Garde a favourable allotment of land, as regards situation and quantity.

203

Translation of a certificate of the identity of la Garde.

204

July 5,
London.

Chatham to Camden (confidential). Has received letters from Hunter and plans, &c., from Mann for his opinion. Differences of opinion on the subject between Hunter and Mann on the one side and the Committee of Engineers on the other as to the defences of the City of Quebec. Sends Mann's answer to the report of the Committee. Suggests that the project of the Committee, (with the sketch) for the Citadel of Quebec, should be sent to the commanding Engineer, through Hunter, to have the proposed work traced on the spot, and to report if the ground is capable of admitting it without the inconveniences Mann apprehends. If so the plan of the Committee would be preferable, but if as apprehended by Mann, then his should be adopted. Leans strongly to the opinion of occupying the heights of Abraham as proposed by Mann, as no attack could be made on Quebec that would not render the measure of peculiar utility, but considerable works there might in the meantime be suspended until those on the Citadel are completed. There can be no doubt of the propriety of the proposed repairs to Lower town, &c., so as to assure it against a *coup de main*. The consideration of these and other works may for the present be suspended. The expenditure should be carried on under Hunter in

1805.

Admiralty for
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Page 186
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July 10,
Treasury.

July 25,
Whitehall.

July 27,
Treasury.

August 2,
Quebec.

August 3,
Quebec.

August 15,
Weymouth.

August 17,
Treasury.

August 24,
Whitehall.

the same way had long been practised with advantage. Cannot spare to Quebec an experienced officer like Mann but Bruyeres is a most capable and efficient officer. The occupation of St. John's and Isle aux Noix is not for engineers to decide, it is a question of general military expediency. Has no observation to make on the Reserves at Quebec beyond what is in the report. Page 206

Enclosed. Observations, dated 22nd March, 1805, on the report of the Committee of Engineers on the defences of Quebec. The observations are very detailed and technical. 211

Report referred to, dated 14th March. 221

Plan, with the different proposals marked with yellow and red lines; the old works are shown by black lines. 225a

Treasury by W. Sturges Bourne to Cooke. Transmits memorial of George Law, for remuneration for his services as a Commissioner for valuing the Jesuit estates in Quebec. 226

Cottrell to Cooke. Transmits copy of the minute of the Lords of Trade on the culture and manufacture of hemp in Canada, to be laid before Castlereagh for His Lordship's information, and that such part of the minutes as relates to the growth, &c., of hemp should be promulgated by the Governors of Upper and Lower Canada among the inhabitants and read from time to time in the churches after divine worship. 227

Enclosed. Minute referred to. 229

Bourne to Cooke. That in accordance with the recommendation of the Lords of Trade, the Treasury ordered the Transport Commissioners to purchase hemp seed to be sent to Canada. 236

Enclosed. The report of the Lords of Trade referred to. 237

Sewell to Adam Gordon. Sends copy of memorial lately presented to Milnes, which he had suggested should be sent to him (Gordon). Sir Robert Milnes, on his arrival in London, will give every information required. 239

Enclosed. Stating the terms of his commission and praying that a warrant might issue for the fees due to him since his appointment. 240

Heriot to Camden. A public officer, when attacked by a Lieut. Governor, is justified in deviating from the usual channel of correspondence to attain the shortest direction of defence. That in the case of complaint of non forwarding dispatches, the hour of closing the mails had been notified. Seven hours after they had been closed a man employed as a waiter came to his (Heriot's) house when he was at dinner, brought what he called dispatches, without any written request, desiring they should be sent on board ship, which he is under no obligation to do. The Lieut. Governor, who is to embark in that ship, could easily have ordered them to be conveyed with himself. Trusts that if a complaint has been made against him that it shall not be allowed to operate to his prejudice. 244

Order-in-Council that in certain cases the grantees of Crown lands may be dispensed from taking the oath prescribed to be taken before the Commissioners. 247

Huskinson to Cooke. In answer to Castlereagh's application for bounties for the cultivation of hemp, the only step the Lords of the Treasury think necessary at the present stage is to order an advance of £400 each to Campbell and Greece, with security for repayment should the conditions not be complied with. 249

Cottrell for Lords of Trade to Cooke. That Castlereagh might be moved to obtain the King's authority to desire the Lieut. Governor to appropriate 150 acres of cleared land out of the 300 granted to Campbell and Greece for the cultivation of hemp. 250

- 1805.
- September 2,
Whitehall. Cottrell for Lords of Trade to Cooke. Transmits paper on the culture of hemp, prepared by Taylor, Secretary of the Society of Arts, &c., with an engraving of the implements necessary in its preparation. Page 252
Enclosed. Remarks by Charles Taylor. 254
Plan referred to. Method recommended for preparing hemp in Canada. 274a
- September 13,
Treasury. Huskisson to Cooke. Transmits requisition from Milnes for goods to be given as presents to the Indians. (Q. 98, pp. 171, 172.) 275
- October 20,
Montreal. A. Cuyler to same. Further respecting his claims to a grant of Crown lands. 276
Enclosed. Ryland to Cuyler, 5th October, recommending him to write respecting his land grant to Milnes, who must be now in London; he (Ryland) can do nothing and the President of the Council not knowing the Lieut. Governor's intentions, will leave the matter to be settled between Milnes and His Majesty's Ministers. 280
- November 4,
Quebec. Memorial of W. Holmes, M.D., to Castlereagh, for a grant of land in payment of the expenses he incurred in his attendance on the Indians during the years 1790 and 1791, whilst he was stationed at Detroit. 281
- November 10,
Quebec. Dunn to Castlereagh (No. 5). Dispatches received. Notice to officers on half-pay shall be printed and published through the Province, and shall have the paper on the culture of hemp translated circulated. Public attention has lately been turned to this subject owing to the encouragement given by the Legislature. Has received invoice of hemp seed on board the "Lydia," which has arrived at Quebec. Shall have the seed distributed to the greatest advantage. 2
- November 16,
Quebec. Same to same (No. 6). Has transmitted to Merry, His Majesty's Minister at Washington, the memorial of merchants engaged with the trade with the Indians who are in United States territory. Sends copy of his letter which accompanied the memorial, which contains the grounds of complaint by the merchants. The Superintendent of Indian affairs in Upper Louisiana does not appear to have acted under directions from his Government. 4
Enclosed. Dunn to A. Merry, Minister at Washington, 15th November, 1805, with copy of memorial, &c. 6
Memorial of the merchants of Montreal, engaged in the trade with the Indians within United States territories. The signatures of the members are given. 8
Proclamation by James Wilkinson, Superintendent of Indian affairs for Louisiana, St. Louis, 26th August, 1805, forbidding the citizens or subjects of a foreign power from entering the Missouri for the purpose of Indian trade. 15
- November 27,
Quebec. Dunn to Castlereagh (No. 8). Transmits certified copy of the rates of exchange and prices current at Quebec for September and October 19
Enclosed. Prices current for September. 20
The same for October. 23
- November 27,
London. Inglis to Castlereagh. Sends memorial from merchants of London trading to Canada, respecting a law lately passed by the Legislature of Lower Canada, on the subject of which they desire to wait on His Lordship. 284
Enclosed. Memorial, of same date, calls attention to an Act lately passed in Lower Canada, imposing additional duties on spirits, wines and teas, and a new duty on sales by auction, for the purpose of erecting gaols at Quebec and Montreal respectively. Reasons against the policy of the Act given in detail. The memorialists pray that the Act be not assented to. 285
- December 9,
Treasury. Harrison to Cooke. Asks that Castlereagh give his opinion on the order from Colonel Bowes to the Deputy Paymaster General to draw

1805.

December 9,
London.

bills on the Paymaster General for £10,000 and the Deputy Commissary General to draw on the Treasury for £20,000 for ordinary and extraordinary services in Upper and Lower Canada, and to supply the deficiency in the civil expenditure. Page 291

Rashleigh, Son & Lee to same. Again calling attention to the claim for payment of the fees due to Monk whilst Attorney General. Send documents and request an interview. 293

Enclosed. Memorial, dated Quebec, 20th October, 1805, from Monk, respecting fees due him. 295

Case of the Attorney General's fees. 305

Other documents relating to Monk's claim. 320, 322, 324, 328

December 24,
Quebec.

Dunn to Castlereagh (No. 9). Transmits certified copy of rates of exchange and prices current for November. 26

Enclosed. Prices current. 27

December 24,
Quebec.

Dunn to Castlereagh (No. 10). Sends minutes of Council on State business from 19th September, and on Crown lands from 1st August, both to 9th instant. 30

Enclosed. Minutes, 30th September, journals and proceedings of the Committee in the case of Monk. 31 to 41

Report on an application from the Deputy Secretary and Registrar respecting the proposed lease of the Crown and Clergy lands. 42

Report on the petition of J. Hill for a salary as crier. 44

On a letter from I. W. Clarke that an allowance be made to Erma-tinger, Secretary for the Committee on hemp culture. 44

Minutes, 25th November. John Richardson sworn in as Executive Councilor. 46

Mandamus in his favour. 47

Minutes, 9th December. Report on books, &c., wanted for the House of Correction, Montreal. 49

On petition of Philemon Wright for land as an equivalent for hemp raised in Lower Canada. 50

Recommended that he be granted 1,200 acres additional. 51

Minutes of proceedings on Crown lands. 53

(For names see alphabetical list.)

Castlereagh to Dunn (No. 1). Dispatches received and laid before the King. How it was decided Monk's claim should be discharged. He (Dunn) has power to settle on the report of Committee, the rule laid down for the examination of Monk's accounts having been followed. There can be no objection to the alternative of paying him £600 a year for the period comprehended in his accounts, deducting the salary and contingencies already paid should he prefer this mode of settlement. Hopes that there will be no need of further reference. The Commander of the forces will be furnished with authority to make good the deficiencies of the revenue. A reference to the King's instructions will show that the £1,500 a year for the Lieut. Governor is appropriated to the member of Council on whom the administration may devolve, but without other allowance or emolument. Sends copy of memorial from Holmes for land in Lower Canada.

1806.

April 4,
Downing
Street.

APPLICANTS FOR LANDS IN THIS VOLUME.

(The figures after the names show the pages.)

G.—Green, Benjamin, 57, 60; Gagy, Louis, 59.

H.—Hart, Moses, 58; Hoyt, Sanford, 57.

S.—Sanford, Elizabeth, 54, Ephraim, 53, Esther, 54; Saul, Elizabeth Hanna, 58, John, 58, 60, Thomas, 58.

W.—Wright, Philemon, 59; Wurtele, Joseph, 58.

1805.

TOWNSHIPS.

A.—Ashton, 56, 60.
 E.—Eardley, 54.
 F.—Frampton, 56, 60.
 H.—Hull, 55, 59.
 M.—Milton, 58, 60.
 R.—Roxton, 57, 60.

SEIGNIORIES.

S.—St. Maurice, 59.

ACTING GOV. T. DUNN—1806.

Q. 100.

1806.

January 22,
Quebec.

Dunn to Castlereagh (No. 11). Has received dispatches addressed to Milnes, Nos. 1 and 4, but 2 and 3 have not reached. Death of Rev. M. Denaut on the 18th inst. Shall send particulars relating to the vacancy at a future time. Page 2

January 22,
Quebec.

Same to same (No. 12). Sends certified copy of rates of exchange and prices current. 4

February 15,
Quebec.

Enclosed. Prices current. 5

Same to same (No. 13). Had informed His Lordship of the death of Rev. M. Denaut, titular Bishop of Quebec. Application of Mgr. Plessis, Coadjutor, to take the oath of allegiance previous to entering on his office as successor, and requested that the Rev. Bernard Claude Panet should succeed as Coadjutor. Had searched the records of the Council and summoned the members to meet on the 27th January to administer the oaths according to the practice shown by the records of Council. Has fixed on Panet as Coadjutor, having known him for forty years as a good and loyal subject, whose father had been one of the Judges of Common Pleas and been of service in the administration of civil justice by the Military Courts. On the 8th instant he took the oath of allegiance as Coadjutor. 8

February 18,
Quebec.

Same to same (No. 16). Sends certified copy of rates of exchange and prices current at Quebec for January. 16

February 19,
Quebec.

Enclosed. Prices current for January. 17

Dunn to Castlereagh (No. 14). Has received dispatch No. 3 by Greece, whom he will assist in every way possible. Has provided him with 75 bushels hemp seed and 100 copies of Taylor's "Remarks," which has been translated into French for distribution. There are no ungranted lands of the Crown cleared fit for the cultivation of hemp. Has advised Greece to ascertain if such lands in a suitable situation cannot be obtained by purchase, so that he may enter on the cultivation without loss of time. 10

February 19,
Quebec.

Same to same (No. 15). Sends copy of petition from the widow of O'Hara, late Provincial Judge at Gaspé, that her husband had been unable to make the least provision for her out of his small salary of £200 a year and that she is utterly helpless from extreme old age and infirmity, and praying for an annuity. Believes the statements to be correct; the late Justice O'Hara was a very upright and faithful servant of the Crown. 12

March 18,
Quebec.

Enclosed. Memorial from Mrs. Mary O'Hara. 14

Dunn to Castlereagh (No. 17). Sends speech to the Legislature and addresses. There appears to be every disposition in both houses to promote what he has recommended. The bill for the better preservation of His Majesty's Government and that for regulating the trade with the United States have already passed the Assembly unanimously. The

1800.

Alien bill has had two readings. *Gazette* received with account of victory over the combined fleet and the death of Nelson. Page 20

Enclosed. Speech at the opening of the Legislature, 20th February. 22

The same in French. 25

Address of the Legislative Council. 28

The same of the Assembly. 30

Answer. 35

Address of the Assembly in French with answer (44). 36, 43

March 19,
Quebec.

Dunn to Castlereagh (No. 18). Sends certified copy of the rates of exchange and prices current at Quebec for February. 45

Enclosed. Prices current for February. 46

April 6,
Quebec.

Dunn to Castlereagh (No. 20). Transmits petition and memorial from the Assembly on the subject of the Act passed for the erection of gaols in Quebec and Montreal. The proceedings in this case unprecedented and unparliamentary, but thought it best to forward the petition, not to cause irritation by refusal at a moment when tranquility may be of consequence to His Majesty's interests. 62

Enclosed. Address from the Assembly to the King, giving reasons for passing the Act for erecting gaols and providing the means for doing so, and praying that the Act be not disallowed. 64

Motives which led the Assembly to adopt the mode of taxation in the Act for erecting gaols, in preference to a land tax. 67

Memorial to Dunn that he would transmit the petition and memorial to the King. 76

Answer by Dunn, that the petition and memorial shall be transmitted as requested. 78

April 15,
Quebec.

Dunn to Castlereagh (No. 19). Sends memorial of the widow of N. Taylor, an American loyalist, who removed from Boston to Quebec, in 1776. His services and meritorious conduct. The distressing situation of Mrs. Taylor, her daughter and granddaughter. The losses sustained by Mrs. Taylor's relatives in consequence of the American Revolution. Recommends her case for favourable consideration, and refers former Governors (Dorchester, &c.) for further particulars. 55

Enclosed. Mrs. Taylor's memorial. 55

The memorial of Nathaniel Taylor, late Naval Officer of the Province of Massachusetts Bay, to the commissioners for inquiring into the claims of American loyalists, dated 28th January, 1786. 58

April 16,
Quebec.

Dunn to Castlereagh (No. 21). Sends certified copy of rates of exchange and prices current at Quebec for March. 80

Enclosed. Prices current. 81

May 12,
Quebec.

Dunn to Castlereagh (No. 22). Had prorogued the Legislature on the 29th of April. Sends speech and schedule of the Bills passed, one of which, "to authorize Jacques LaCombe to build a bridge over the "River L'Assomption," has been reserved, after getting the Attorney General's opinion, which, with the Bill, is enclosed. The object itself is worthy of encouragement, but the disposition of the revenue is not in accordance with the Royal instructions. 84

Enclosed. Speech on prorogation. 86

Schedule of Acts passed. 88

Attorney General's report on "Bill to authorize Jacques LaCombe to "erect a bridge over the River L'Assomption." 91

Copy of the Bill. 93

Title of the volume of statutes; not copied, the volume being among the Archives. 114a

May 13,
Quebec.

Dunn to Castlereagh (No. 23). Sends memorial of W. S. Moore, member of Assembly. A previous memorial of Moore for land, referred

1806.

- to the Executive Council was rejected as too late. His usefulness; has no hesitation in laying this memorial before His Lordship to obtain authority for the Council, if that should be thought proper, to consider the memorials with a view to grant the lands asked for to Moore and his family. Page 115
- Enclosed.* Memorial of W. S. Moore. 117
- May 14, Dunn to Castlereagh (No. 24). Sends certified copy of rates of exchange and prices current at Quebec for April. 120
- Quebec. *Enclosed.* Prices current. 121
- May 30, Dunn to W. Windham (No. 1). That he will transmit such intelligence as may be proper to send. The utmost attention shall be paid to the suggestions of the Board of Health to prevent the introduction of infectious disease, of which there is not the slightest appearance. The hemp seed sent out last fall proved good for nothing; thinks the surest means of getting good seed would be to procure it in the neighbouring states. 124
- Quebec. *Enclosed.* Prices current. 121
- June 5, Windham to Dunn. Dispatches received and laid before the King. In addition to the correspondence respecting the encouragement to be given to Campbell, Grece and others who should engage in the culture and preparing of hemp, sends copies of correspondence between the Board of Trade, Admiralty, Treasury and Navy, showing that Clarke, Deputy Commissary at Montreal, and not Grece and Campbell, is to be appointed inspector of hemp, Clarke's authority to be furnished by the Naval Board. Transmits copy of letter from the Lords of Trade respecting the Act for erecting gaols in Quebec and Montreal and the means of defraying the expense, with representations on the subject. No provision has been made for the application of any surplus that may be raised for that purpose after the cost of these gaols is defrayed. The surplus is not to be used until special directions are received. 49
- Downing Street. *Enclosed.* Prices current. 130
- June 11, Dunn to Windham (No. 2). Dispatches received. Had communicated to the merchants the substance of his letter of the 2nd April, as directed, and shall take the necessary steps for finally discharging Monk's claims. The Commander-in-Chief had received orders to make good the deficiency in the civil revenues, but the balance in the hands of the Receiver General renders this unnecessary at present. 127
- June 11, Bowes to same. Acknowledges receipt of order to make good the deficiency in the civil revenues. 128
- Quebec. *Enclosed.* Prices current. 130
- June 25, Dunn to same (No. 3). Sends certified copy of rates of exchange and prices current at Quebec for May. 129
- Quebec. *Enclosed.* Prices current. 130
- July 3, Windham to Dunn (No. 4). In the present distressed state of the widows of O'Hara and Taylor, is strongly inclined to recommend their cases to the King, but the allowances on the Provincial revenues are already very heavy. If the King's bounty should be extended to the memorialists, he (Windham) shall not feel warranted in recommending more than £50 per annum to each. 79
- Downing Street. *Enclosed.* Schedule. 88
- July 14, Dunn to Windham (No. 4). Sends schedule and exemplifications of the Acts passed in the last session, and copy of the Journals of the Legislative Council. Sends also copy of the reserved Act authorizing Jacques LaCombe to build a bridge over the River L'Assomption; the reasons for this are already given. 133
- Quebec. *Enclosed.* Schedule. 88
- July 15, Journals of the Legislative Council of Lower Canada, for the second session of the fourth Parliament. 135
- Quebec. Dunn to Windham (No. 5). Sends Naval Officer's returns of vessels entered and cleared at Quebec from 5th April to 5th July. 204
- Enclosed.* Returns. 203 a, b c.

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1806.

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Quebec.August 5,
Quebec.August 6,
Downing
Street.August 11,
Quebec.August 12,
Quebec.August 16,
Quebec.August 22,
Quebec.August 28,
Quebec.September 2,
Quebec.September 12,
Quebec.September 15,
Quebec.

Dunn to Windham (No. 6). Sends certified copy of rates of exchange and prices current at Quebec for June. Page 205

Enclosed. Prices current. 206

Dunn to Windham (No. 7). Transmits memorial of the widow of Le Maistre, with copy of former memorial to Milnes. Le Maistre's services; the distressed situation of his widow, who is left absolutely destitute, the proceeds of the property sold not paying the debts of her late husband. 209

Enclosed. The memorials. 211, 213

Dunn to Windham (No. 8). There is no infectious disease in the Province; should any make its appearance shall report. 215

Windham to Dunn (No. 5). Dispatches received. Does not object to Moore's memorial being taken into consideration. Extract of letter respecting the failure of hemp seed has been sent to the Committee of the Privy Council and Treasury. He is authorized to have an allowance of £50 each paid to the widows of O'Hara and Taylor. 126

Dunn to Windham (No. 9). Dispatch respecting half-pay officers received with forms to be used by them, which he would publish in a proclamation. Objections to appointing magistrates specially to administer the prescribed oaths; the magistrate nearest the officer should be allowed to do so. Cannot send the signatures of the different magistrates; sends list of those in Lower Canada. 216

Enclosed. List of Justices of the Peace for the District of Quebec. 221

Dunn to Windham (No. 10). Arrival of Allocock; his appointment to be Chief Justice and admission as a member of the Executive Council. 236

Same to same (No. 11). Sends certified copy of rates of exchange and prices current at Quebec for July. 237

Enclosed. Prices current. 238

Dunn to Windham (No. 12). Sends report of a committee on the cultivation of hemp. There are no cleared lands that can be granted; the committee, therefore, recommend that a sum be granted to lease suitable lands sufficient for a fair trial. Campbell has not yet arrived; Greece arrived last fall and is now established in the vicinity of Montreal. Sends copy of correspondence with him and reports of the Committee of Council, relative to the purchase of lands for the culture of hemp. Greece has been paid at the rate of £200 per annum from the date of his embarking on the 17th of October. Is this to continue? No more fit person than Isaac W. Clarke could have been selected to receive and inspect the hemp. No surplus arising from the tax for the erection of gaols shall be used until special directions are received. Has received letter from Clarke that he has neither received letter of appointment nor instructions from the Navy authorizing him to act as Inspector. 241

Enclosed. Schedule of enclosures. 245

The reports and correspondence referred to in the preceding letter from 12th March to 12th May and Clarke's letter of 25th August, all relating to the culture of hemp. 246 to 266

Gazette containing regulations to prevent fraud in the receipt of the half pay or allowance of officers living in the Provinces. 226

In French. 231

Dunn to Windham (No. 13). Sends certified copy of rates of exchange and prices current at Quebec for August. 267

Enclosed. Prices current. 268

Dunn to Windham (private). Calls attention to the insufficiency of his allowance whilst administering the Government. 272

Same to same (No. 14). Hopes that authority may be sent for the payment of an annual allowance to the widows of O'Hara and Taylor. 275

1806.			
October 15, Quebec.	Dunn to Windham (No. 15). Sends certified copy of rates of exchange and prices current at Quebec for September.	Page 276	
	<i>Enclosed.</i> Prices current.	277	
October 16, Quebec.	Dunn to Windham (No. 16). Shall, as permitted, submit Moore's memorial for land to the Executive Council, and issue warrants for the payment of £50 each to the widows O'Hara and Taylor, who are sincerely grateful.	280	
October 27, Quebec.	Same to same (No. 17). Sends Naval Officer's returns of vessels entered and cleared at Quebec from 5th July to 10th instant.	181	
	<i>Enclosed.</i> Returns.	281a to d	
October 28, Quebec.	Colonel Isaac Brock to Windham. Calls attention to the inconvenience of hiring houses in Quebec for military hospitals and transmits plan of a building calculated to remove every difficulty.	282	
	<i>Enclosed.</i> Estimate of the expense to build a range of barracks to serve as an hospital, to cost £3,183 13s. 2½d.	284	
	Plan.	2 5a	
November 5, Quebec.	Dunn to Windham (No. 18). Sends requisitions for goods to be used for presents to the Indians.	286	
	<i>Enclosed.</i> Requisitions.	287 and 293	
November 5, Quebec.	Dunn to Windham (No. 19). Sends certified copies of the rates of exchange and prices current at Quebec for October.	294	
	<i>Enclosed.</i> Prices current.	295	
November 5, Quebec.	Dunn to Windham (No. 20). Sends letter of reference to a Committee of Council relative to a sale of the lease of St. Maurice Forges, with report of the Committee. The sale of the lease was recommended by the report postponed till the 1st instant, when it was disposed of to Monro & Bell, the former lessees, at £60 currency per annum. The loss sustained, as the rent is not proportioned to the value, but he did not feel justified in withholding the lease after a fair and public sale.	298	
	<i>Enclosed.</i> Reference to the Council respecting the sale of the lease of St. Maurice Forges, 10th June.	300	
	Report of the Committee thereon.	302	
November 6, Downing Street.	Windham to Dunn (No. 6). Dispatches received; that relating to the publication of the regulations respecting officers and half pay, has been sent to the Paymaster General; the one with the proceedings concerning the culture of hemp in Lower Canada has been forwarded to the Lords of Trade.	271	

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ACTING GOV. T. DUNN AND MISCELLANEOUS—1806.

Q. 101—1.

1806.
November 6,
Quebec.

Dunn to Windham (No. 21). The Commissioners of the Navy have offered Clarke by letter (shown to Dunn) the sum of £2.10 for every ton of clean hemp shipped from Montreal to Quebec by him or his deputy as remuneration for his trouble as agent. Clarke had wished to decline, but afterwards accepted the situation of agent, but does not consider the remuneration sufficient. Agrees with him and recommends an increase, Clarke being the fittest man to be found in the Province, besides his having been at great pains and trouble for several years in promoting the growth of hemp. Arrival of Campbell; shall afford him every assistance. 2

November 7,
Quebec.

Same to same (No. 22). Sends transcript of the proceedings of the Commissioners for the management of the Jesuit estates. 5

1806.

November 8,
Quebec.

<i>Enclosed.</i> Proceedings of the Commissioners from 14th May, 1805, to 30th October, 1806.	Page 6 to 72
Dunn to Windham (No. 23). Sends copies of the proceedings of the Executive Council, relative to State business and also concerning Crown lands from 10th December, 1805, to 27th October last, with other documents.	75
<i>Enclosed.</i> List of Executive Councillors.	225
Minutes, 27th January. Report of Committee on letter from the Surveyor General respecting stationery and fees of office.	76
Reports on application from Receiver General for an allowance to an agent in Montreal employed to collect the duties from auctioneers, first report.	78
The same, second report.	79
Report on petition of certain officers respecting fees on grant of land.	80
On sundry petitions for the leases of Crown and Church Reserves. 81 (For names see alphabetical list.)	
Bishop Plessis takes the oath of allegiance.	88
Minutes, 8th February. Report on the Public Accounts for the half year beginning 11th April, 1805, with details, tables, &c.	89
Rev. Bernard Panet, Coadjutor, takes the oath of allegiance.	115
Minutes, 17th March. Report respecting Light House on Green Island.	116
Report respecting the Government schooner "Hazard."	117
Report respecting the form of lease for Crown and Clergy Reserves.	120
Minutes, 21st March. Statement of the Provincial Revenue of the Crown.	124
Report thereon.	127
Minutes, 26th April. Further report on form of lease for Crown and Clergy Reserves.	129
Further report concerning the "Hazard."	130
Report on petitions for leases of Crown and Church Reserves. (For names see alphabetical list.)	130
Report respecting boat buoys for the Traverse.	132
Report on opening a road from the Connecticut to the Chaudière River.	134
Further report on the same presented.	134
Report respecting an allowance to P. E. Desbarats, Secretary to the Quebec Committee on hemp culture.	137
Further respecting form of lease to the Crown and Church Reserves.	138
Minutes, 16th June. Report respecting the purchase of lands for the culture of hemp.	139
Report on queries by the late Deputy Secretary, respecting the form of lease of Crown and Church lands.	142
Reference respecting the putting off the sale of the lease of St. Maurice Forges.	145
Report on the same.	147
Report on the protest of Moses Hart against the sale of the lease of the Forges.	149
Order to advertise, and copy of the advertisement of the sale.	150
Minutes, 15th July. Report on the expense of printing forms of lease for the Crown and Clergy lands.	152
Representations of officials on the negligence of persons in not taking up their patents and paying their fees.	152
Petition of sundry officers concerned in passing patents for lands.	153

1806.

Report on letter from Monro & Bell respecting a road to the St. Maurice Forges. Page 155

Order respecting an additional clause to the lease of the St. Maurice Forges. 157

Minutes, 12th August. Chief Justice Allcock sworn as member of Executive Council. 158

Minutes, 13th September. Report on Public Accounts, with journal containing proceedings, with details and tables. 159

Report on petitions for leases of Crown and Clergy Reserves. (For names see alphabetical list.) 179

Minutes, 4th October. Report on opening roads and proposed advertisement. 181

Monk's accounts referred to committee. 191

Report on the same. 193

Petition of the Ursuline Nuns of Three Rivers for relief in consequence of their convent having been destroyed by fire, referred to committee. 196

Report on the same. 196

Minutes on Crown lands. 198 to 224

Windham to Dunn (No. 7). Regrets the low price that, owing to the circumstances, the lease of the St. Maurice Forges was disposed of. Has sent copy of letter (No. 21) relative to the appointment of Clarke as agent for receiving hemp. Transmits letter from the Post Office relative to the oath to be taken by half-pay officers. 73

1807.
January 8,
Downing
Street.

ACTING GOV. T. DUNN AND MISCELLANEOUS—1806.

Q. 101-2.

Marsden to Cooke. Sends letters from Captains Wood and Hubert respecting a box of papers addressed to Camden and not delivered. 361
Enclosed. Note from Captain Wood, that all the packages, public and private, brought by the "Uranie" had been landed at Deal by Captain Hubert's clerk. 362

Captain Hubert. That numerous answers, packages, public and private, were received on board the "Uranie"; the greater part of the public ones were brought by the Lieut. Governor and were not under his (Hubert's) charge. His clerk had a list of all entrusted to his care, but he has been discharged from the service and has kept the list. Believes all were landed at Deal. 363

Huskisson to Cooke. That half the quantity of hemp seed sent to Canada last year is to be forwarded this year to Dunn, with six hand machines and six hackles, to be used as models. 365

Fawkener to Shee. The Lords of Trade, in reference to complaints by merchants of Montreal that an attempt has been made to prevent them from entering the Mississippi to trade with the Indians, unless they abjure their allegiance, desire to know what representations on the subject have been made by the Lieutenant Governors of Canada on this subject. 366

Rashleigh, Son and Lee. Further inquiry respecting accounts of Monk. 367

King to Shee. Six hand machines and six hackles have been forwarded to Canada, for the preparation of hemp. 369

Minute of the Lords of Trade that Greece and Campbell would be improper persons to receive and inspect hemp grown in Canada to be shipped, so long as they are growers. 370

Enclosed. Admiralty enclosing letter from Navy Board that only clean hemp should be shipped, as inferior hemp is not worth the freight.

1806.
January 11,
Admiralty.

January 24,
Treasury.

February 20,
Whitehall.

March 20,
London.

April 10,
Treasury.

April 15,
Whitehall.

1806.

Grece and Campbell, so long as they are growers, are improper persons to be employed for receiving and inspecting hemp. Page 372

Navy Board. The arrangements for receiving and inspecting hemp; Clarke should be appointed to the office at a salary of £250, with £150 for a deputy, &c. 373

April 17,
Whitehall.

Lords of Trade to Shee. That they see no reasons to recommend the Act in Lower Canada for the erection of gaols should be disallowed. As no provision is made for the application of a surplus, the Lieut. Governor is not to give his consent to any application of it without special directions. 377

May 18,
London.

Milnes to Shee. The Abbé Calonne is mistaken in representing that he (Milnes) ever voluntarily admitted emigrant priests whilst he administered the Government of Lower Canada. Only two present themselves in that time, one, an Italian Jesuit, not having proper credentials, was ordered to quit the Province; the other was admitted on the order of Sullivan in Hobart's time to be allowed to go to Montreal as one of the resident clergy. Had pointed out the serious consequence of admitting French emigrant priests into Lower Canada. Refers to this letter by which it would be seen that Prescott had sent representations to the same effect in 1791. Had found in Martinico and in Lower Canada that the emigrant priests are with difficulty restrained from intermeddling in political matters, leading the Canadian priesthood to follow their example. Until the question of the settlement of Catholic establishments in Lower Canada, it cannot be desirable to send fresh candidates. 379

Enclosed. J. Beecourt to — (in French), dated 25th April. Encloses letter and petition sent him by Abbé de Calonne. Has received upwards of 100 letters and requests to be submitted; respecting which he did not presume to be importunate, but this being of a nature and person having rights, believes that he would offend by suppressing it, as the decision will prove to the Canadians that Government is not prejudiced, as they may be induced to believe. 382

Abbé de Calonne to de Puisaye (in French). no date, recalling former friendship, as a reason for asking him to have petition presented to Windham. His charge in Prince Edward Island in 1799, where he was employed for six years amongst the Indians and Catholics, who are there in great numbers. The Bishop of Quebec, being satisfied with his services, appointed him director of the Ursuline Nuns at Three Rivers, having no suitable person among his own clergy. Had sent off his books and was prepared to go, when the Bishop informed him that Governor Milnes had not granted permission for him to go to Canada, a refusal based on the general rule to admit no French emigrants. At the same time in consequence of the death of his brother, he had to leave for England, in which he arrived last year. The Bishop of Quebec wrote to him several times that he hoped he would obtain, whilst in England, permission to go to Three Rivers, and that he relied on me coming. Before presenting a petition to the Ministry, he tried to influence Milnes through friends and Dillon promised to be his security and to urge the matter, but was unsuccessful, although others had been allowed to settle in Canada. States his superior claims on account of the services of his brother and himself, on which and other reasons he enlarges. 384

Petition (in French), undated, for leave to go to Three Rivers. 388

Milnes to Sullivan (secret), of 21st October, 1803, respecting emigrant priests. (See Q. 93, p. 45.) 390

June 2,
Treasury.

Harrison to Shee. Transmits copies of letters from the Treasury to the Commissioners of the Navy and Secretary of the Admiralty, respecting the salary to Clarke for receiving and shipping hemp to be grown in Canada. 397

1806.

Enclosed. Of same date, letters to Commissioners of the Navy (398) and Secretary to the Admiralty (400), respecting Clarke's salary.

Page 398, 400

June 14,
All-erton.

Milnes to Shee. Deeply regrets the death of M. Denaut, a loyal subject and decidedly attached to Government. Had on his arrival in September, presented M. Denaut's memorial and two dispatches addressed to Camden, with all the information he (Milnes) could procure relating to the Catholic establishment, to which he refers. Had he been in Quebec when Denaut died, he would have taken no step towards receiving M. Plessis, the Coadjutor, as Bishop until referring the subject to His Majesty's Government, especially as Plessis had already taken the oath of allegiance as Coadjutor and as titular Bishop of Canat (Canathe in Palestine) and therefore qualified for all the essential functions of the deceased Bishop. Has no reason to think otherwise than favourably of M. Panet, but would have hesitated to appoint him Coadjutor on account of the pretensions of his brother, the Speaker of the Assembly. 401

June 22
Quebec.

Memorial from A. Cuyler. Prays that the order for his land may be complied with, and that he may obtain letters patent for the same. 410

Enclosed. Order dated 31st July, 1804, that he is to obtain land to make up his quantity to 20,000 acres. 412

July 28,
Quebec.

Mercator to —. Sends remarks on a country little known, except to those who have visited it, with the object of promoting the interests of Great Britain. The union of the civil and military power in the same officer, giving power to meet quickly a political emergency. The separation of the two after Haldimand had left in 1784, but its inconvenience caused the Government to be again placed in the hands of a military officer. A change again took place in 1799, and the country has since been in a languishing state, with jealousy between the heads of the civil and military departments. The disadvantages of the separation in weakening the energy of Government and in restricting hospitality, an essential requisite to secure respect. The Canadians from training do not respect a person at the head of affairs who does not also command the troops; paying no taxes, except on articles of consumption, they are scarcely sensible of the weight of Government. The strong desire to have a person of high military rank appointed Governor. 404

August 11,
Treasury.

Harrison to Shee. Sends letter from Colonel Bowes, that he has drawn for £30,000 to defray the extraordinary services of the Upper in Upper and Lower Canada, and asking for Windham's opinion on the same. 408

August 27,
Treasury.

King to same. That the Paymaster General has orders to remit \$100,000 to Canada to the officer commanding the force there. 409

August 20,
Treasury.

Thomas Crafer to same. Sends memorials, &c., from Cuyler, to be laid before Windham. 413

(Memorial dated 20th June, calendared at its date.)

October 26,
Live. pool.

Admiral Coffin to Windham. Complains that on the Magdalen Islands there are forty-two families of Frenchmen, enemies of the King, who took refuge there when St. Pierre and Miquelon were captured. They live in open defiance of law, and carry on contraband trade. As proprietor of these islands prays that immediate steps be taken for the removal of these people. 414

November 10,
Horse
Guards.

Stephenson to Shee. The Paymaster General sees no necessity to appoint Magistrates or Notaries Public to administer oaths to half-pay officers resident in Canada, and that there should be no alteration in the regulation respecting the appointment of Magistrates. 415

November 15,
Camberwell.

John Black to the Duke of Kent. Memorial, stating his services and asking for employment in one of the dockyards of the United Kingdom

1806.

- Asia, Cape of Good Hope, Buenos Ayres, Malta, Gibraltar, Lisbon or any other places where his services might be required. Page 416
- November 18, Quebec. Lamberton to Dyer, (extract). "We are still without either a Governor or a Commander-in-Chief, and I am afraid there is a great deal of animosity kindling between the English people and the French people; which had we a man of ability at the head of the Government might, I think, have been easily prevented, but I do not engage in the politics of this country." 421
- November 20, Whitehall. Lords of Trade to Shee. Had forwarded to the Commissioners of the Navy Dunn's information that Isaac W. Clarke had not received his commission of Inspector of Herring and now send the answer. 422
- Enclosed. Answer, dated 12th November, that the commission had been sent on the 16th June and is dated on the 29th July. 423
- December 3, Portsmouth. Coffin to Windham. Calls attention to previous letter (p. 414) on the subject of a number of Frenchmen on the Magdalen Islands. Is anxious to send out orders to his agent. 424
- December 4, Quebec. Dunn to same (No. 24). Sends report of Council on the claims of Monk, while he was Attorney General. A warrant issued for £1,638 9s. 11d. as a final settlement. Sends also reports on Sewell's accounts, with copies of them. The Committee report that the sum due to Sewell is £2,099 0s. 2d. Refers to letter from Milnes on the subject of the suspended claims. A memorial from Mr. Justice Williams, on claims for acting as Attorney General when he was Solicitor General, is now under consideration; the reports shall be sent when ready. 227
- Enclosed. Report on Monk's claims with statement. 230
- Minutes of Council on Sewell's claims and other documents. 233, 239, 241
- (The cases tried, &c., are given in detail.)
- December 5, Quebec. Chief Justice Allcock to Shee. The lease of the St. Maurice Forges, formerly held at £850 a year, has been, by the want of precaution on the part of Dunn, sold for £30 a year for 21 years. The murmuring and dissatisfaction caused by this, as these rates had been given by His Majesty in aid of the expenses of the civil government. Monro & Bell have not yet got their lease, and he shall see that they do not until he can be satisfied that the sale can be ratified in a court of justice, and in the meantime he shall proceed slowly. In the meantime the President will not, he thinks, sign until he (Allcock) is satisfied that the Crown is bound. There is a great deal for a Chief Justice to do here; had found the courts of justice in great confusion, something must be done to reorganize them. There are other objects in which the Crown is interested that require great care, but they must wait till the Governor arrives, and should it be a new Governor he will have information ready. Should it be Milnes that will alter the matter, as he had no reason to think they would be on good terms; Milnes had treated him (Allcock) with great coolness in England, the only reason he could think of for this was that Milnes wished another gentleman appointed to the situation, but he would lay all that aside should Milnes arrive. The old accounts of Sewell and Monk as Attorney General examined, the latter paid, that of Sewell reserved, but it is justly due. Reported appointment of Lord Elphinstone to be Captain General; hopes that, if so, he will not pledge himself as to new appointments. The present puisné judges, Dunn and Williams, are both very old, but do not talk of resigning. Milnes, it is said, intended to have recommended the present Solicitor General to be made a judge; he is too young and inexperienced, and has not the least pretensions to expecting such a thing. 425
- December 15, London. Chevalier de la Garde to ——. Sends papers respecting his title to a grant of land in Canada. His return to Russia, after obtaining the order for the grant, to arrange to bring away his family, prevented by the Ukase

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1806.

December 18,
 Quebec.

December 20,
 London.
 December 22,
 Quebec.

December 44,
 Quebec.

No date.

that all travellers must be back by a certain time. The failure of the agent who had taken possession of his fortune, had left him without resources to cultivate the land, but he has a gentleman in view with capital if the grant is renewed, the amount specified, &c. Page 414

Enclosed. Proofs of his right to the grant, namely, letter from Sir Joseph Banks to Portland, 5th July, 1798. 437

Answer of same date. 433

Declaration by his father-in-law, Von Behen, 19th March, 1798, with official certificate. 438

Allecock to Shee. Death on the 16th of Duchesne (Duchesnay), one of the Executive Councillors, and the last mail brings a report that de Longueuil, another Councillor is at the point of death. These will make little difference, as both were old men and seldom attended. De Longueuil had £100 a year as Councillor which will go to the senior honorary member, Duchesne had no salary. Hope that the filling up of these vacancies will be deferred till after the arrival of a Governor. The question of replacing these Councillors by the appointment of English gentlemen should be considered. Hopes that a Governor will arrive in spring; he can prevent anything wrong being done in the meantime, but there are many objects requiring immediate active exertion. 440

Sir Joseph Banks to Shee (?) Returns the papers respecting de la Garde's claims for land. Has been confined to bed. 442

Dunn to Windham (24). Sends list of Legislative and Executive Councils, with attendance of the members noted. Death of Duchesnay and critical condition of Longueuil. Recommends St. Ours to succeed; his character and services. A P.S. of the 23rd reports that there is not and has not been any contagious disorders in the Province. 351

Enclosed. List of Legislative Councillors. 354

List of Executive Councillors. 355

Dunn to Windham (No. 25). Sends certified copy of rates of exchange and prices current at Quebec for November. 356

Enclosed. Prices current. 357

Petition of the widow of La Corne St. Luc for a pension the same as that allowed to other widows of deceased Colonels. 444

ACTING GOV. T. DUNN—1807.

Q. 102.

1807.

January 20,
 Quebec.

January 21,
 Quebec.

January 30,
 Quebec.

Dunn to Windham (No. 26). Sends certified copy of rates of exchange and prices current for December. Page 2

Prices current. 3

Dunn to Windham (separate). Has granted Young six months' leave of absence; he has been very constant in his attendance as an Executive Councillor and also as a Master of Trinity House. Death of de Longueuil at Montreal on the 18th inst.

Same to same (No. 27). Sends copy of his speech at the opening of the Legislature and addresses in reply. Hopes that the business will be proceeded on with zeal and unanimity, but is sorry to observe that five members only, including the Speaker, have as yet attended the Council and does not expect that more than two or three others will attend, notwithstanding the representations made to the members personally. 8

Enclosed. Copy of notice by Isaac W. Clarke, that he is appointed agent of Government for receiving at Montreal and by Lewis Foy at Quebec, all clean marketable hemp produced in Canada, 10, in French, 15, also 20 and 28. 10, 15

1807.

February 12,
Quebec.

Speech by the Administrator, 11, in French, 16. Page 11, 16
 Address of Council in reply to the speech, 21, in French, 30. 21, 30
 Answer, 24, in French, 32. 24, 32
 Address of the Assembly 25, in French 33. 25, 33
 Answer, 27, in French, 35. 27, 35

Brock to Windham. Transmits a proposal from Lieut. Col. John McDonald, (McDonell, see letter of Brock of 28th January, (original) of 28th January, transmitting the proposal, in Series C, Vol. 795, p. 58), for raising a corps of Highland Fencible Infantry in Glengarry. The advantages to be derived from such an establishment. The small force that is now in this country, which is insufficient to defend Quebec. This corps being on the confines of the lower Province would be always in readiness and useful in checking any seditious disposition. In event of invasion it could easily be transported to Quebec. A staff and sergeant would be required. It would be a prudent measure to appoint the Rev. Alexander McDonald, (McDonell) chaplain, the men being all Catholics; his zeal and attachment to Government; by his exertions the corps would soon be completed and form a nursery of hardy recruits for the Army. 36

Enclosed. McDonald (McDonell), Lieut. of the County of Glengarry, to Windham, dated 9th January. Proposals for raising a corps of Highland Fencible Infantry in Glengarry. It is almost entirely inhabited by Scots Highlanders; the valuable landed properties obtained through the munificence of the King are strong motives to bring their loyalty into action. The rapid increase of population and the situation between the Ottawa and St. Lawrence enable the corps to check any rebellious disposition or general combination that would be formed against His Majesty's Government. They are equally ready to enter into engagement of a more general and extensive nature of service, if found better calculated to forward the views of Government, even should it be deemed expedient to raise a permanent force among the Highlanders of those settlements for the defence of the Province, thus saving the expense of sending out troops and preventing numberless desertions to the United States. 39

Proposals. 41

February 17,
Quebec.

Dunn to Windham (No. 28). Had suggested paying Clarke a salary rather than a percentage on the hemp shipped. Lewis Foy, formerly military secretary to Dorchester, has been appointed Clarke's deputy; has the fullest confidence in him. To concentrate the business, Foy is to take charge of all the hemp and hemp seed raised in the district of Quebec in consequence of the Provincial Act of 1804, by which the Governor is empowered to apply £1,200 for the advancement of the culture of hemp. Clarke has taken upon himself the same charge in the district of Montreal. The greatest obstacle is the difficulty of obtaining hemp seed; every effort is making to procure a supply from the neighbouring States. It will be seen, therefore, that considerable attention and trouble will be necessary on the part of the agents. Steps are taking to supply Campbell with a sufficient quantity of cleared land to begin operations. 44

February 18,
Quebec.

Same to same (No. 29). Sends certified copy of rates of exchange and prices current for January. 48

Enclosed. Prices current. 49March 16,
Quebec.

Dunn to Windham (separate). Had reported the death of Duchesnay (called Duchesne by Allcock, see Q. 101-2, p. 440), and also of de Longueuil. Has now to report that of Lees, also an Executive Councillor, who died at Montreal on the 3rd instant, so that there are now three vacancies in the Council. Has already recommended Charles St. Ours to succeed de Longueuil, now recommends Matthew Bell and Lewis de Salaberry for the other vacancies. The former is a merchant of the highest respectability, a candidate for the Assembly in Three Rivers,

Page 11, 16
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1807.

March 18,
Quebec.

April 15,
Quebec.

April 15,
Quebec.

May 6,
Quebec.

May 8,
Quebec.

May 10,
Quebec.

May 10,
Quebec.

where there is little doubt he will be elected. High character of M. de Salaberry. Sends list of the present members of the Executive Council.

Enclosed. List of the Executive Councillors. Page 52

Dunn to Windham (No. 30). Sends certified copy of rates of exchange and prices current for February. 55

Enclosed. Prices current. 57

Dunn to Windham (No. 31). Sends certified copy of rates of exchange and prices current for March. 60

Enclosed. Prices current. 61

Dunn to Windham (separate). In order to fill up the vacancies in the Executive Council it has been the invariable custom to select the senior honorary members. In the case of the deaths of de Longueuil and Lees, the seniors are Young and Williams, whom he recommends. Repeats his recommendation to name Charles St. Ours, Matthew Bell and Louis de Salaberry as honorary members, in which he believes that Governor Prescott and Lieut. Governor Milnes would readily concur. 64

Same to same (No. 32). On the death of Lees, Storekeeper General for the Indian Department, has directed a survey to be made of all the Indian goods in store, previous to their delivery to the successor of Lees. Has appointed his step-son, Thomas Fargues to succeed; his qualifications. Until his arrival Thomas Douglas will act. 66

Brock to same. Had proposed to Dunn to use the Jesuit Garden for a parade ground, which Dunn would not officially consent to, but promised to shut his eyes to this use of it. The ground cleared of useless weeds and the troops paraded, followed by an official intimation that it was not to be used. Believes Dunn to be moved by interested representations on the part of people who expect to be benefited by the division of the ground and are impatient at every step which seems to involve their interests, however greatly it may promote the public service. Their hopes from the age of the President and his intimacy with the inhabitants that they are likely to sway him by any representation their avarice may prompt them to make. Refers to General Hunter's letter on the subject to Lord Hobart of 10th August, 1804, and encloses a plan (for plan see Q. 106-2, p. 432a). Shows the changes proposed. 68

Dunn to same (No. 33). Transmits copy of correspondence between him and Brock. Respecting the Jesuit Church, of whose condition he was apprised, but did not resolve to have demolished till the Commissioners had ordered a survey and a report was received. Did not consider that he should render an account to the Commanding officer of the troops, as they were no more endangered than other persons passing. Had sent copy of report to Colonel Brock, which, with letter and answer, is enclosed. Description of the situation. The esplanade, where the troops can exercise, is not five minutes walk from the Barracks and the Grand Parade, recently enlarged, is still nearer. The Jesuits' Garden is of such extent, that it might be divided, affording a considerable addition for military and leaving a valuable space for public purposes. Concerning the disrespectful manner in which Brock has spoken of the Commissioners for managing the Jesuit estates; their respectable character. The rest of the letter is a criticism of the tone of Brock's correspondence. 77

Enclosed. Schedule of the enclosures. 87

Figurative plan of the Jesuits' College and garden, &c. 88a

The correspondence referred to in Dunn's letter. 89 to 119

Dunn to Windham (No. 34). Refers to dispatch No. 24 of 4th December last, respecting the account of Williams for his services as Solicitor General; encloses letter enclosing the accounts, copies of the accounts and copy of the Committee's report, recommending payment to Williams of £519 9s., but advise that the report should be transmitted

1807.

to His Majesty's Ministers previous to payment. The account to Williams has been suspended from time to time till His Majesty's pleasure could be known respecting Monk's account. That being settled, can now recommend payment to Williams, whose claims appear to be in every respect well founded. Page 120

Enclosed. Williams to Dunn, 13th Decer. ber, 1806, transmitting his account. 122

Accounts in detail. 124 to 139

Extract from the journal of the Committee on Public Accounts, of 10th April, 1789. 140

Synopsis of Williams' account. 145

Extract from the journal of Committee on Public Accounts, of 10th October, 1789. 148

Synopsis of account. 153, 155

Extract from the journal for 10th April, 1791. 158

Details of account. 161 to 186

Report of Committee on 14th April, 1807. 187

May 11,
Quebec.

Dunn to Windham (No. 35). Sends copy of his speech in proroguing the Legislature. The Assembly showed a more than usual degree of zeal, loyalty and unanimity. Only seven members attended the Council, and never more than six at once. Remarks on bill for the relief of the insane and support of foundlings, amended by the Council; the amendments refused by the Assembly, who send an address, copy of which, with answer, is transmitted. Has, in the meantime, caused advances to be made to meet the expenses absolutely necessary. Has no doubt the Legislature will provide for this expense at its next sitting; it would be the height of cruelty to throw the objects provided for by the bill on the public. Encloses schedule of Acts passed last session. 190

Enclosed. Notice, 16th April, of the appointment of Isaac W. Clarke as agent, and of Lewis Foy as deputy for the purchase of hemp. 193

Notes on the cultivation of hemp in Russia. 194

The same documents in French. 201, 202

Bill assented to, 16th April. 209

Speech at prorogation. 213

Report that addresses, &c., were delivered to the President (10th to 15th April). 215

The same documents in French. 218 to 231

Schedule of Acts passed during the session. 232

Reserved bill. 237

Bill for the relief of the insane and support of foundlings, as passed by the Assembly. 238

Amendments made by the Legislative Council. 247

Proceedings on the bill and rejection of the amendments by the Assembly. 245

Address by the Assembly praying that £1,200 currency be set aside for the relief of the insane, &c., the Assembly engaging to make the same good. 247

Dunn's answer that he will transmit the address, and in the meanwhile authorize the necessary advances to be made. 249

May 13,
Quebec.

Dunn to Windham (No. 36). Sends certified copy of rates of exchange and prices current at Quebec for April. 250

Enclosed. Prices current. 251

May 13.

Dunn to Windham (No. 37). Dispatches received. Shall attend to instructions as to Custom House should there be a vacancy. Shall appoint commissioners to administer the oath to officers on half pay. Death of Fauce, Naval Officer at Quebec; has appointed Lewis Foy to

1807.

May 25,
Quebec.May 27,
Quebec.June 6,
Quebec.June 10,
Quebec.June 19,
Downing
Street.

the office. Presumes that no security is required, but if it is, Foy shall furnish it. Page 254

Dunn to Windham (No. 38). Sends copy of the correspondence between Brock and himself relative to the payment of the Indian Department in the Province, being of opinion that further orders will be found necessary to prevent misunderstanding. 261

Enclosed. Schedule of correspondence. 262
The correspondence from 15th April to 20th May referred to, six letters in all. 263 to 275

Brock to Castlereagh. Reports the loss of the February and March mails for Canada, by the upsetting of the canoe in the River St. John, on the communication between Quebec and Halifax. 276

Dunn to Windham (No. 39). Remarks on the correspondence enclosed in dispatch No. 38, of 25th May, on the subject of the payment of the expenses of the Indian Department, respecting which there is a difference of opinion between him and Brock; minute details given. 277

Enclosed. Additional correspondence from the 3rd to the 5th of June. 290 to 297

Dunn to Windham (No. 40). Calls attention to circumstances relative to the administration of justice in the Province. The illness and death of Judge Davidson and a sudden misfortune to Chief Justice Monk having prevented the sitting of the Court of King's Bench in Montreal in March last, he issued a commission of Oyer and terminer and general gaol delivery; at the court held from the 12th to the 15th May, John Smith and Joseph Barbary were capitally convicted and condemned to death. Chief Justice Monk personally delivered only the calendar at Quebec (copy sent), instead of the particulars of the trials and proceedings, as laid down in the law, the clauses of which are quoted. On reference to the Solicitor and Attorney General, they gave diametrically opposite opinions, and the case was referred to the Chief Justice. His unsatisfactory answer. With the contradictory opinions, he asks that the questions be referred to the Law Officers of the Crown. The crimes for which Smith and Barbary are condemned do not call for immediate execution, so that he shall grant them a pardon, under the authority of an opinion given him by the Chief Justice. In a P.S. it is stated that on the death of Justice Davidson, James Reid has been appointed a puisné judge for the district of Montreal, he having been made choice of by Milnes. 298

Enclosed. Commission, dated 20th April, of Oyer and terminer. 308
Commission of general gaol delivery, same date. 313

Calendar of all the prisoners tried and convicted at a Court of Oyer and terminer and general gaol delivery for the district of Montreal from the 12th to the 15th May. 316

Reference, dated 18th May, to the Attorney and Solicitor General, for report whether the special approbation of the President is necessary to sanction the sentences mentioned in the above calendar. 318

Opinion of the Attorney General, that the approbation is not necessary. 319

Contrary opinion from the Solicitor General. 322

Reference to the Chief Justice. 326

Opinion of Chief Justice, that if the President should pardon the prisoners, previous approbation of the sentence is not necessary. 329

Castlereagh to Dunn (No. 2). Sends copies of memorials from Sir Alexander Mackenzie and houses concerned in trade with the Canadas praying that provision may be made to render lands in the Provinces liable for the payment of simple contract debts. Sends also copy of the opinion of the Law Officers of the Crown on the subject. 335

1807.

July 4,
Downing
Street.

Castlereagh to Dunn (No. 3). Dispatches received. He is authorized to grant warrant to Sewell for payment of sum ascertained by Committee of Executive Council. Authority likewise given to pay Williams. His dispatch (No. 28) relating to hemp transferred to the Lords of Trade. Steps to be taken to keep faith with Greece. His Majesty's pleasure will be taken respecting the appointment of Young and Williams to fill the vacancies in the Council. The appointment of any honorary members will be for the present postponed. Members of Council receiving salaries are to be notified that regular attendance is expected. Will withhold approbation of the appointment of Fargues to succeed Lees, until a satisfactory account is received of the letting of the St. Maurice Forges for £60 a year, instead of the old rate of £850, which the lessees were willing to continue, £1,500 could have been easily obtained and a movement was in agitation to offer £2,000. Instead of appointing Foy to succeed Faunce as Naval Officer, the office should have been filled provisionally till His Majesty's pleasure could be known. Has not been able to enter into the unpleasant dispute between him and Brock, but has read sufficiently of the statement to express regret that Brock should have suffered himself to use improper language. Is of opinion that he is justified in drawing his salary as Judge whilst executing the duties of President of the Colony. Is desirous to know, as he has already had a contingent pension bestowed on him on his retirement from the Bench, whether he intends on the arrival of the Lieut. Governor to resume his seat or vacate his office of Judge.

Page 256

August 8,
Downing
Street.

Windham to Brock. Had received account of the differences (p. 68) between him and the Lieut. Governor respecting the Jesuit Garden and a representation from Dunn on the same subject. Had expressed his concern to Dunn that he (Brock) should have used expressions not respectful to him as the representative of His Majesty. The subject will be soon decided as a Governor will soon proceed to Quebec with full instructions. In the meantime Dunn is authorized to grant temporary occupation of the Jesuit Garden for the use of the troops. That he is to defray the expenses of the Indian Department as was done before he took command, the Civil Government being responsible for the expenditure. 74

August 8,
Downing
Street.

Castlereagh to Dunn (No. 4). Dispatches received. Had acknowledged receipt of No. 33, and since then a letter from Brock on the same subject. Agrees with him (Dunn) in respect to the occupation of the Jesuits' Garden by the military as a parade that no transfer could be made without reference to the Secretary of State, and that there were more objections to its temporary occupation than had been stated. The subject has been referred to Generals Hunter and Mann and to Milnes, the latter doubts the necessity of granting the whole ground for the use of the military, the two former are decided that it is essential to the general defence of Quebec that almost the whole ground belonging to the Jesuits' College should be appropriated to military purposes. A new Governor General to be sent in room of Prescott; there appears to be no objection to allow Brock to use the garden for military purposes. Instructions sent as to the issue of warrants to meet the expenses of the Indian Department. Brock's natural misapprehension on the subject.

331

ACTING GOV. PRESIDENT DUNN—1807.

Q. 103.

1807.

June 24,
Quebec.June 27,
Quebec.June 28,
Quebec.July 11,
Quebec.July 11,
Quebec.July 11,
Quebec.

Dunn to Castlereagh (No. 1). Acknowledges receipt of circular, &c. Shall communicate all that it may be necessary for him to submit for consideration.

Brook to same. That no warrants shall be issued for pay in advance to Staff officers, except in cases of unavoidable necessity. 3

Same to same. Shall, as instructed, furnish the Commissaries at Quebec and Montreal with quarterly returns of the number of the forces supplied, to accompany their accounts. 4

Dunn to same (No. 2). Calls attention to the correspondence respecting his drawing salary as Judge, whilst filling the office of Administrator, on which no decision had been yet given. (For decision see Castlereagh of 4th July, Q. 102, p. 260.) Urges the justice of his claim. 5

Enclosed. Copy of letter to Windham, 12th September, 1806, on the subject of his salary. 7

Dunn to Castlereagh (No. 3). Sends memorial from Crawford, Judge at Gaspé, with report of Council, recommending an allowance of £100 a year for travelling expenses and that he be recommended for an increase of salary. The salaries of the puisné Judges of King's Bench in Lower Canada were in 1800 raised from £500 to £750; that of the Provincial Judge of Three Rivers from £300 to £500, whilst that of the District Judge at Gaspé has remained at £200. The duties of Crawford deserve that his memorial should meet with favourable consideration. 10

Enclosed. Memorial. 12

Report of Committee on the same. 16

Dunn to Castlereagh (No. 4). Transmits copy of the proceedings of the Executive Council on matters of State and on Crown lands between 28th October, 1806, and 19th of June last. 17

Enclosed. Minutes, 4th December. Report on proposed remuneration to P. C. Desbarats as secretary to the Hemp Committee of Quebec. 18

Report on petition for leases. 19

(For names see alphabetical list.)

Report on statement of expenses incurred by James Campbell in coming from England and respecting leasing lands for his cultivating hemp. 20

Report on application from the Trinity House, Quebec, for an advance of money to complete the lighthouses on Green Island. 23

Order for Trinity House to purchase reflectors, &c., for the completion of the lighthouse. 24

Report on the accounts of Attorney General Sewell, formerly suspended until His Majesty's pleasure respecting them should be known. 24

Minutes, 20th December. Report on petitions for leases. 28

(For names see alphabetical list.)

Report on the proposed lease of the St. Maurice Forges. 30

Further on the same lease, recommending that a case be laid before the Attorney and Solicitor General for their opinion whether the Crown, under all the circumstances, is bound to grant the lease to Monro & Bell. 31

Minutes, 17th January, 1807. Report on Colonel Robertson's memorial for the reimbursement of his expenses for surveying and subdividing the township of Chatham. 32

Report on letter from Taylor, Deputy Secretary, respecting the leases of Crown and Clergy lands. 34

1807.

Report on the petition of F. Ward for leave to purchase Crown lands in Wendover.	Page 35
Further respecting lands for Campbell for the cultivation of hemp.	35
Report on the petition of J. Morgan respecting the seizure of goods belonging to himself and another.	37
Minutes, 4th March. Report on the proposed purchase of Heon's farm at Bécancour.	39
Second report on the same.	44
Report on the Provincial revenue for twelve months, ending 5th January 1807.	46
Minutes, 21st March. Report on Public Accounts, with journal of proceedings from 21st October, 1806, details and tables.	49
Minutes, 29th April. Report on the accounts of Justice Williams, formerly suspended.	67
Report on the hire of the sloop "Rover."	69
Report on the terms proposed by J. Lambly for navigating a vessel that may be hired by Government for cruising in the St. Lawrence, during navigation.	70
Report on the proposal to appoint justices of the peace, Custom-house officers, &c., for the Magdalen Islands.	70
Report on proposed proclamation declaring the sum of £5,000 to be levied for the erection of Court-houses in Quebec and Montreal. Proclamation entered.	72
Minutes, 30th April. Report on the memorial of Judge Crawford, of Gaspé, for increase of salary.	75
Report on petition of W. S. Moore on behalf of sundry petitioners for reserved lots.	76
(Names not given.)	
Report on letter from George McBeath, respecting an error in account of duties collected.	76
Report on letter from the Deputy Secretary, respecting the leases of Crown and Clergy Reserves.	77
Minutes, 14th May. Proposed advertisement respecting the Crown and Clergy Reserves adopted.	81
Minutes, 27th May. Report on application from George McBeath and William Lindsay for extra fees for work done after office hours in the Custom-house at St. John's.	82
Report on W. F. Scott's memorial respecting leases of Crown and Clergy Reserves.	84
Report on Campbell's account of expenses of passage and transport from England to Quebec.	84
Report on the expense of the <i>papier terrier</i> .	86
Report on the claims of Mr. Planté, Inspector of the King's Domain.	86
Report on letter from Isaac Ogden respecting patents for lands purchased from Government at public sale.	87
Report on claim of J. Lambly for articles furnished the "Caldwell."	87
Journal of proceedings of Committee on Lands, from 4th December, 1806, to 30th April.	89 to 96
Minutes on the same, 27th May.	90 to 100
(For names in the last two entries, see alphabetical list.)	
Dunn to Castlereagh (No. 5). Sends Naval Officer's returns of vessels entered and cleared at Quebec from 10th October to 5th April. (The title, but no entries, in the quarter from January to April, navigation being closed. The first entry in the next quarter is on the 29th of April, see Q. 104, pp. 6a and b.) On the death of Faunce has	

July 16,
Quebec.

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1807.

July 18,
 Quebec.

appointed Lewis Foy to the position of Naval Officer; his efficiency. Page 101

Enclosed. Returns. 101a to d
 Dunn to Castlereagh (No. 6). Sends exemplifications of the Acts passed last session and copy of the journal of the Council. Has reserved bill to authorize the association of persons as the Quebec Benevolent Society. Calls attention to Act to prevent the desertion of seamen, renewal of the Alien Act, with amendments, and Fisheries Act. 102

Enclosed. Schedule of the Acts passed at the last session of the Provincial Parliament. 104

The Provincial Statutes. 108
 (The title only given, the printed Statutes being already amongst the Archives.)

Journals of the Legislative Council. 109 to 258

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 D.—Dessein, Michel, 97.
 E.—Elder, Joseph, 19.
 F.—Fraser, Dr. Simon, 94, 95.
 G.—Green, Benjamin, 89.
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 T.—Templeton, 90.
 W.—Wendover, 35.

ACTING GOVERNOR T. DUNN—1807.

Q. 104.

1807.
 July 18,
 Quebec.

Dunn to Castlereagh (No. 10, note says should be 7). Sends certified copy of rates of exchange and prices current at Quebec for June. Page 2
Enclosed. Prices current. 3

1807.

July 24,
Quebec.

Dunn to Castlereagh (No. 11, note says should be 8). Sends Naval Officer's returns of vessels entered and cleared at Quebec from 5th April to 5th instant.

Enclosed. Returns.

Page 6
6a to c

July 24,
Quebec.

Dunn to Castlereagh (No. 9). Has been preparing transcripts of proceedings relative to the lease of the St. Maurice Forges, subsequent to the reference to Council of 10th June, 1806, and to the report thereon, transmitted to Windham in dispatch No. 20 of 5th November last. Cannot expose the latent motives of the unofficial statement sent on the subject. The fief and seigniory of St. Maurice, including the forges, were originally leased to Conrad Guzy in 1783 for sixteen years, at £18 15s. sterling, as recommended by Council. In 1787, the remainder of the lease, with articles for carrying on the works, was sold by sheriff's sale to Alexander Davison and John Lees for £2,300 currency; in June, 1793, the residue was sold by Alexander Davison to his brother George, David Monro and Mathew Bell for £1,500 currency. These held under the original lease till its expiry in 1799. In 1798, the lease was extended, on the same terms, to the 1st of April, 1800, the report (dated 13th April, 1798) at the same time recommending that on the expiry of the extended lease, the seigniory, forges, &c., should be let for 99 years, at the highest rent offered by public competition, but this was not adopted and Milnes extended the term to the 31st March, 1801. The Batiscan Iron Work Company offered £500 per annum for one, two or three years, and the then lessees offered the same rent and even more for five years, if the lease were exposed to public competition. On the 17th April, Monro & Bell offered £550, with an obligation to deliver at the end of five years, when the lease expired, the buildings in perfect order and new buildings or improvements to the extent of £1,500. The opposite party offered £600 and when informed the proposed expenditure of £1,500 was a voluntary offer, increased the proposed rent to £800. Both were desired to put their proposals in writing and Monro & Bell having offered to pay £50 above any sum the Batiscan Company might offer, the lease was adjudged to them at £850. This statement is given to show how the rival parties were brought upon to offer such high terms. Before the expiry of the lease, public notice was given that the premises would be let for a term of 21 years by public auction on the 11th June, 1806, on conditions stated, one of which was that the new lessees were to pay to the old a sum to be settled on, for the moveable property, not to exceed £4,000. Before the sale he (Dunn) asked the advice of Council whether or not directions should be given to the auctioneer not to sell below a certain rent, but the Council merely recommended that the sale should be postponed from 11th June to 1st October. On that day there was a larger concourse than usual, but the lease was knocked down to Monro & Bell, the highest bidders, for £60 per annum. The lease ordered to be prepared; the interposition of Chief Justice Alcock, the reference to Council and their report, that they cannot advise that the lease be granted, until instructions be received from His Majesty's Ministers. Order received from His Lordship to have an examination of all the circumstances made by the Council and a full report transmitted. Copy of the representations on the subject by Monro & Bell is transmitted with the other papers.

7

Enclosed. Seven documents, namely:—

A.—Copy of a reference to a Committee of the whole Council, concerning the lease of the St. Maurice Forges, 10th June, 1806.

B.—Copy of reference and reports of 13th and 17th December, 1806.

C.—Copy of the case drawn up by Chief Justice Alcock.

D.—Copy of first opinion of the Attorney and Solicitor General, 2nd March, 1807.

Sends Naval
on 5th April
Page 6
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1807.

July 25,
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July 28,
Quebec.

July 28,
Quebec.

E.—Copy of second opinion, 14th May, 1807.
F.—Copy of Council minute, 20th June, 1807, containing the reports of 5th and 20th May.

G.—Copy of memorial of Monro & Bell, dated 8th July, 1807.
The above schedule at page 14, the documents from page 15 to 53.

Page 14 to 53
Brock to Castlereagh. Transmits communications that passed between him and the President relative to the military situation of this country. The minutes of Council will show the inadequacy of the militia law to afford assistance to the regular force and the degree of dependence to be placed in the population. Can from his own observation assure His Lordship that a respectable force could be trained and rendered useful were the least encouragement given to the spirit that pervades class to volunteer. These might be entrusted with arms, but an indiscriminate distribution would be dangerous. His opinion of the weakness of the works is consonant to the opinion of the officers of Engineers and Artillery. Had declined to issue pay and provisions to the militia if called out, as that was done by the Provinces. The fact that there is a balance of £30,000 in the civil chest, and the ease with which his error might be remedied, had he fallen into one on this subject, had induced him to be so positive.

54
Enclosed. Brock to Dunn (dated 17th July). Cannot contemplate the intelligence received by the last post, without calculating the means of defence should a rupture take place between Britain and the United States. The latter Government have already adopted measures inimical to Great Britain, and the result of discussion on certain points will determine the question of peace or war. As it is at least possible that war may ensue, conceives it his duty to call attention to the military position. The militia now armed and in any way instructed does not exceed 300, as many thousands might easily be selected and formed into corps. Such a force with that from the adjoining Province (Upper Canada) and the regular troops would create a force, that if it could not effectually stop, could at least impede the approach of the enemy to Quebec and in such a climate delay is everything. Without such a force the regulars could not leave Quebec and the enemy could move unmolested. Whilst every American newspaper teems with violent and hostile resolutions and associations are found in every town to attack the Provinces, every loyal subject should come forward to show his zeal. Precautionary measures can only be inconvenient to individuals, but he is confident they are ready for sacrifice in so sacred a cause. A subject of more importance, not admitting of procrastination is that of the defences of Quebec, which he proposes to have repaired before the close of the year.

56
Minutes of Council, 22nd July, in reference to the proposals contained in the preceding letter from Brock.

60
Brock to Dunn, 23rd July. Had no intention to assume a political character. His sole object was to state the assistance required by the military. Is disappointed at the information sent in the reply to his letter, but believes that voluntary offers of service will be made by a considerable number, and even now several gentlemen are ready to come forward and enroll into companies.

63
Dunn to Castlereagh (No. 10). Sends copy of the report of Council respecting the St. Maurice Forges.

65
Enclosed. Report of Council, giving a history of the circumstances connected with the lease.

66
Notice of the sale (see p. 44). Title only given here.

73
Dunn to Castlereagh. Sends copy of the lease of the forges of St. Maurice, referred to in report transmitted in letter No. 10 of this date, but not prepared in time to be put up with it.

74

1807.

July 28,
Quebec.*Enclosed.* Copy of lease.

Page 75

Dunn to Castlereagh (No. 11). Transmits copy of the proceedings of Council on a representation made by Brock for extraordinary assistance to enable him to put the fortifications of Quebec in a proper state of defence. 84

Enclosed. Report of Council (dated 25th July), that without definite information as to the probability of a war the Council can form no judgment on Brock's proposals. The Council has no doubt that should circumstances call for it, the Executive Council would co-operate with Brock. In the meantime he must be aware of the means he possesses, as commanding the troops, to hire labourers and workmen, if the exigencies of the service require it, without the concurrence of the civil Government and voluntary assistance, as suggested by Brock, would be cheerfully given, and there is no doubt that the offers of this nature would be accepted by the Executive Government. 85

August 3,
Quebec.

The reference and proceedings of the Council on the subject. 88 to 103
Dunn to Castlereagh (No. 12). Transmits copies of papers respecting a suit against the deceased William Grant for sums acknowledged to be in his hands from bills of exchange negotiated for Government, as deputy of Sir Thomas Mills, Receiver General. Enumerates the papers sent. The Attorney General will, of course, report the proceedings to the Solicitor of the Treasury. 104

Enclosed. Attorney General Sewell to Ryland, 26th June. Has obtained judgment for £8,756, against the representatives of the late William Grant, for balance due by him on bills of exchange negotiated by him as Deputy Receiver General, but the claim for the penalty on the bond was dismissed, so that the judgment is for £10,000 less than the demand. Is not dissatisfied with the judgment; should, however, an appeal be thought expedient, requests it may be signified to him. 107

Ryland to Sewell, 29th June. That an appeal is not thought desirable, but as a memorial has been presented by Richardson, executor for Grant, which he (Dunn) intends to send through the Secretary of State to the Lords of the Treasury. Asks that he (Sewell) draw up a particular statement of the case that may be forwarded with the memorial. 109

Statement by Sewell, as requested in the preceding letter. 110

Memorial by Richardson, executor for Grant. 119

August 3,
Quebec.

Dunn to Castlereagh (No. 13). Has issued a proclamation appointing certain justices of the peace to administer the oaths required from officers on half pay. Sends list of these and of the officers who have returned their names to the Governor's Secretary. 125

Enclosed. List of justices of the peace, 126; French, 128. 126, 128

Return of half-pay officers who have sent in their claims to the Governor's Secretary. 129a

Regulations by the Paymaster General, in English, 130; in French, 135. 130, 135

August 5,
Quebec.

Dunn to Castlereagh (separate). Calls attention to Brock's letter about the militia and the proposed strengthening of the fortifications of Quebec. His surprise, after the annual labour of so many years on the works, to learn from Brock of their defenceless condition. The unpopularity that would be caused by calling out the militia for work on the fortifications, but if properly managed, the militia will not only make effectual resistance to hostile attempts, but will contribute in a very essential degree to offensive operations. The militia showed a strong disinclination to be called out in 1795, and this was reported to Brock, as a caution, with an inquiry if he would strengthen the hands of Government to carry into execution the measures ordered. Had also informed him that the militia, when embodied, were by law entitled to the same pay and allowances as the King's troops, and that no funds for this pur-

1807.

August 6.

August 20,
Quebec.August 24,
Quebec.

August 27.

August 31,
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pose were at the disposal of the Civil Government. Of this last statement Brock took no notice, but in reference to a possible disinclination on the part of the militia for the particular service proposed, appeared to abandon the idea of obtaining assistance from the militia, taking it for granted that the population would rather add to the number of the enemy. The Council had, therefore, explained that the calling out a certain number of militia would not produce a general spirit of resistance, but merely that defaulters might be found in cases. Quotes and comments on the clause of the Militia Act which gives power to call out only 1,200 men, and that he has no information to justify him in going beyond that number. When answers to his circular are received from the colonels of militia, he shall give the necessary orders to have the 1,200 men trained, as provided by the 40th section of the Act. Page 140

Castlereagh to Prescott. That from present circumstances it is the Royal intention to send out an officer to succeed him (Prescott) in the government of the North American provinces. Trusts he will feel in its true light the necessity for an arrangement which may interfere with his emoluments. 147

Brock to Castlereagh. Had received circular to discontinue the letting of canteens for the emolument of officers holding military command. Such a practice does not exist in this command. 148

Dunn to same (No. 14). Sends certified copy of the rates of exchange and prices current. 149

Enclosed. Prices current. 150

Note from Sir J. H. Craig. Has observed, on reading over the Quebec correspondence, very few points on which he requires particular instructions. He prefers waiting till he can obtain more perfect knowledge of the situation, so that he could present his views to the Ministry. The points alone on which he would wish for directions arise from the precarious situation with regard to America, which may come to a crisis before there could be any communication with His Majesty's Government. The little probability of making effectual resistance at any other point than Quebec in case of an attack on the Province. Even there, Castlereagh appears to doubt the propriety of prolonged resistance. Would be glad to have instructions on the subject. Will the raising of independent companies be approved of? Is aware of the inefficiency of militia during the late war, but such companies as he proposes may be kept efficient in point of numbers, though it will require experience to tell how far their services will be of value. To what extent should he proceed in completing the defences of Quebec? Should he have a more than usual latitude in this respect can promise that it be met by the strictest regard to economy and restricted to what is necessary. His position towards the Lieut. Governor of Upper Canada, and how far he should be under his (Craig's) control. 153

Second note undated. Respecting the control of the Indian Department, which he finds rests with the Lieut. Governor of Upper Canada. Should the intercourse with these people not be considered as more military than civil and conducted as part of a uniform system. The importance of the question in certain eventualities. 157

Castlereagh to Craig (No. 1). Sends commission appointing him Captain General and Governor-in-chief for Upper and Lower Canada, with instructions. 159

Same to same (No. 2). Out of £6,000 for the support of the Governor General and of the Lieut. Governor of Lower Canada, he (Craig) is to receive £4,500, leaving £1,500 for the Lieut. Governor. Alexander Forbes to be Lieutenant Governor of Gaspé. 160

Same to same (secret). Under the present circumstances he has been appointed Governor General and Commander of the forces in North

1807.

Ames. a. By firm and moderate conduct of Government it is hoped the United States will adhere to a pacific system, and every effort consisted with honour shall be made to prevent a rupture. If disappointed, vigorous measures to be adopted to bring the United States to reason. The measures to be adopted and points to be guarded. Page 161

September 5,
Downing
Street.

Castlereagh to Craig (No. 3). The saving effected during the absence of Milnes, in the salary of Lieut. Governor, is to be paid to him at the rate of £1,000 a year, from the 5th of January, 1805, till the date of his (Craig's) arrival. 168

September 15,
Quebec.

Dunn to Castlereagh (No. 15). Transmits additional proceedings of the Council respecting the calling out of the militia. Asks that attention be paid to the minute. Summary of correspondence with Brock on the subject, copy of which is enclosed. His reasons for conducting the discussion by letter rather than verbally, so that the reasons on both sides might be of record. On the assurance that Brock would issue arms, had called out the militia for a general review, and ordered one-fifth to be in readiness for actual service. The conduct of the militia, with few exceptions, has been such as merits the highest commendation, and he hopes that it may procure some signification of His Majesty's approbation, as nothing would be so flattering to His Majesty's Canadian subjects. Is still without intimation of a hostile disposition on the part of the United States, so that he had not adverted to that as the ground for calling out the militia, though such a declaration would be an additional stimulus to the zeal and energy of the Canadians. Urges, however, the speedy combination of the civil and military command, otherwise the most favourable movement for carrying the militia law into effect will be lost. Will use his best efforts to convert the present loyal disposition to solid purpose. Has, therefore, specially summoned the members of the Executive Council to meet on the 25th instant, to consult as to the best means to adopt and decide how far it would be proper to incur expense for embodying and training a certain portion of the militia. In a post-script dated the 16th, it is stated, that by a dispatch from Admiral Berkeley, it appears that war is inevitable. (A copy of this dispatch is in C. 676, p. 19.) 169

Enclosed. Report of the Executive Council, dated 12th August, 1807, on the statements and representations of Colonel Brock in his letter of 17th July. (For previous proceedings of Council on this letter, at the meeting of the 25th July, see p. 85.) The proceedings include letter to the Colonels of militia and answers, copies of correspondence with Brock, observations by Dunn to the Council on the same, &c. (p. 176); continuation of the proceedings, 19th August (p. 190), respecting the propriety of preventing the exportation of gunpowder and abrogating certain parts of the Act regulating commerce with the United States. 176, 190

Dunn to Brock, 18th August. For how many of the militia can he furnish arms? 199

Brock to Dunn, 18th August. That 5,000 stand of arms shall be issued from the King's magazines, so soon as he is informed that that number of militia or any part is embodied. A great number of arms had been previously issued, 1,200 stand so late as 1801 and 1804, which he presumes are safely lodged. It is desirable that steps should be taken for the return of arms issued when that shall be thought necessary. 200

Order, 20th August, 1807, calling out the militia to be reviewed. 201

Order, 9th September, to the same effect, 202; in French, 204, 202, 204

September 30,
Quebec.

Dunn to Castlereagh. Sends certified copy of rates of exchange and prices current at Quebec for August. 206

Enclosed. Prices current. 207

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1807.
October 3,
Quebec.

Dunn to Castlereagh (No. 16). Has in accordance with instructions issued warrants for payment of sums due Sewell and Williams. Had appointed a committee to examine the progress made by Grece in the cultivation of hemp; shall send report. The accounts shall be examined; the liberality with which Grece has been treated. Comments on the report that lease of the St. Maurice Forges might have been sold for £1,500 or £2,000 a year. The public is to be congratulated on the combination to pay the latter sum having fallen through. Sends the deed of partnership and describes the character of each partner individually, with his pecuniary circumstances. Page 210

October 3,
Quebec.

Enclosed. Notarial deed of partnership (in French) referred to in letter, with the conditions of the co-partnery. 218, 234

Dunn to Castlereagh (separate). Thanks for liberality in respect to his salary as judge, would have retired from the Bench but for some heavy pecuniary losses, which would render a diminution of his allowance a serious disadvantage to his family. The reduction of the value of his stock in the Batiscan Iron Works has also lessened his means, but he would retire at once were half his pension to be continued to Mrs. Dunn after his death. Recommends George Hawdon for the vacant office of Storekeeper to the Indian Department. 235

October 10,
Downing
Street.

Castlereagh to Craig (No. 4). Transmits extract of letter from Cottrell, Secretary to the Privy Council, that Act to authorize Jacques Lacombe to build a bridge over the River L'Assomption has not been laid before His Majesty. Twenty-four Acts (titles given in full) do not appear liable to any objection. 238

October 14,
Quebec.

Dunn to Castlereagh (No. 17). Dispatches received. Shall consult the judges and law officers as to the necessity of obtaining legislative provisions to render lands in the Province liable for the payment of contract debts. That, however, has been customary in Lower Canada. Had sent extract to Brock from dispatch stating that it was the intention to send out a Governor General. 244

ACTING GOVERNOR T. DUNN—1807.

1807.
October 16,
Quebec.

Q. 105.

Dunn to Castlereagh (No. 18). Transmits copy of proceedings of the Executive Council on State business from 13th May and on Crown lands from 27th May, both to 25th September. 2

Minutes, 20th June. Case for opinion of Council respecting the lease of St. Maurice Forges. 2

Opinion of the Attorney and Solicitor General. 7
Report of Committee on the same, referring the opinion again to the Law Officers. 10

On the 27th May, the Council decided that it could not advise the granting of the lease until further instructions were received from His Majesty's Ministers, which was agreed to. 11

Memorial of the Clerk of the Executive Council, respecting his fees of office. 12

Report on the same. 14
Report on a memorial of the Inspector of the King's domains for an increase of salary. 18

Report on the petition of W. Barnard and C. Gee for lease of Crown and Clergy Reserves. 19

Report on memorial from Capt. Cheshire, 49th Regiment, to be released from a fine. 20

Further report on Ogden's patents for lands. 20

1807.

Minutes, 20th July. Report on the joint petition of Louis Duniere and Peter Brahaut relative to *lods et ventes* due by them to the Crown.

Page 21

Further respecting Ogden's patents for lands, with correspondence.

22 to 28

Order-in-Council respecting the Trinity House of Quebec.

28

Report on the petition of G. Chapman, clerk of the market at Quebec, for a salary.

29

Abstract of disbursements incurred by the Trinity House, Quebec.

29

Respecting communication of Brock of 17th July, respecting possibilities of war. (See for correspondence, &c., Q. 104, pp. 56 to 63.)

31

Minutes, 22nd July. Further respecting Brock and military preparations.

37

Other proceedings on the same subject.

37 to 58

Further report on the St. Maurice Forges, dated 25th July.

59

Report on Campbell's claim in connection with hemp culture.

65

Order for regulating the delivery of gunpowder belonging to private individuals, which has been lodged by them in His Majesty's magazines.

66

Report respecting the calling out of a proportion of the militia (70). Correspondence with Brock (74).

70, 74

Minutes, 18th September. Jacques Delezenne sent to gaol for treasonable practices.

76

Minutes, 19th September. C. Baptiste Bouc brought before the Council and on the 25th sent to gaol on a similar charge.

77

Minutes, 25th September. Report on the memorial of Foy, Naval Officer, for an assistant.

78

Report on application of F. Ward, for leave to purchase in Wendover.

78

Report on Penoyer's report on laying out a road.

79

Report on the progress made by Grece in the culture of hemp, with proceedings.

80 to 86

Minutes on Crown lands.

87 to 95

1807.
October 16,
Quebec.

Dunn to Castlereagh (No. 19). Sends Naval Officer's returns of vessels entered and cleared at Quebec from 5th July to 10th instant.

97

Enclosrd. Returns.

98 to 102

APPLICANTS FOR LANDS IN THIS VOLUME.

(The figures after the names show the pages.)

B.—Banet, Oliver, jun., 95; Barnard, Wm., 19.

F.—Fingland, Thomas, 95.

G.—Gee, Christopher, 19; Green, Benjamin, 95.

H.—Hibbard, Benjamin Doolittle, 95.

L.—Laforce, Pierre, 90.

Mc.—McGill, James, 89, 90.

S.—Sevigny, Etienne, 93.

W.—Ward, Felix, 78.

TOWNSHIPS.

H.—Hamilton, 91, 92, 94.

M.—Melbourne, 93.

S.—Stanford, 91; Stanstead, 91.

W.—Wendover, 78.

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to the Crown.
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98 to 102

GOVERNOR CRAIG AND MISCELLANEOUS—1807.

Q. 106-1.

1807.

January 6,
Horse
Guards.

Gordon to Shee. Transmits, by order of the Commander-in-Chief, memorial from Colonel Bowes, claiming remuneration for the heavy expense incurred by him, when in command after the death of Hunter, to be submitted for the favourable consideration of Windham. Page 32

Enclosed. Memorial from Colonel Bowes. 33

January 10,
Treasury.

Treasury (Geo. Harrison) to Cockburn. Encloses letter from the Treasury in answer to one from the Secretary at War, respecting an application from Mrs. La Corne St. Luc for a pension. 36

Enclosed. Secretary at War, referred to, that as no documents have been transmitted to show that Mrs. La Corne St. Luc's husband had been colonel of several tribes of Indians, he is not aware of any just claim she has to a pension. 37

January 31,
Chatham.

Chevalier de la Garde to Cockburn. That he had been compelled, owing to his reduced circumstances, to accept a place as a German teacher. Asks that the quantity of lands he is to receive shall be settled. 38

January 31,
Quebec.

Alcock to Adam Gordon. Introduces Bouchette and asks that he may be procured an interview with Shee in respect to his salary. 39

February 1,
Quebec.

Same to same. The papers respecting the claims of Sewell have been sent some time ago. He has been ill-treated by the delay. Hopes that an order will come out for payment. 40

February 6,
London.

Duke of Kent to Shee. Transmits four papers from John Black. 1. His application. 2. A short recapitulation of the heads of his case. 3. Note from Lieut. Col. Vesey, then secretary to His Royal Highness, enclosing, 4. Assurance of King that Portland had approved and sanctioned what he (the Duke of Kent) had recommended for Black. Strongly urges the claims of Black, whom he highly esteems, and regards his reduced circumstances as nearly a disgrace to Government. The salary for the place of bateau master and measurer of timber would be provided without expense to Government. 41

Enclosed. Application by Black for the place of bateau master, &c. 43

"An explanatory letter of my (Black's) petition and present condition." States his services, &c. The document is addressed to General Wetherall! 45

Copy of Lieut. Col. Vesey's letter. 50

Copy of King's answer to Vesey, that Portland has given such directions as cannot fail to benefit Black. 53

(The last two letters are dated in 1798.)

February 10,
London.

Recommendation by the Duke of Kent in favour of de Salaberry to succeed Duche-nay as member of the Legislative and Executive Councils, stating his services. 58

February 11,
London.

Memorial of merchants trading to Canada, praying to have an Act passed to make lands liable for simple contract debts. 51

A second memorial, dated the 12th, states that the laws as to the liability of real estate for the payment of personal debts, are different in the two Provinces. That in Lower Canada, the French law, still existing, subjects real property to the payment of personal debts after the moveable has been exhausted, but it is difficult of enforcement. In Upper Canada, so much doubt exists, that many cases are pending and should the law declare real estate exempt, it will destroy the credit hitherto given to the incalculable loss of both Mother Country and Colony. The memorial prays for the enactment of a law to make real estate liable for personal debts, &c. 54

1807.

February 20,
London.

Black to Gordon. Had been referred to him by Sir George Shee to put his claims to the two islands—Ronde and Degrasse opposite Sorel—in a fair way to be settled, they having been granted to him eight years before. Grand Isle is in the lower part of Lake Ontario, between Kingston and Carleton Island, and for that a patent must issue from Gore, Governor of Upper Canada. How another island had been granted to a person who had rendered no services. Respecting his appointment to superintend His Majesty's shipyards, meas^{re} the timber, &c., it would save £5,000 a year. Prays for the three islands and for the situation mentioned.

Page 60

Enclosed. Index papers (64), the papers themselves (65 to 78). 64 to 78

The trial of David McLane for high treason at the City of Quebec, 7th July, 1797. (The trial, with evidence, &c., is given in full.) 79 to 320

in Q. 106-2

October 20,
Quebec.

Craig to Castlereagh. Sends requisition for stationery for the civil departments of Lower Canada. 2

Enclosed. Requisition. 3

November 9,
Quebec.

Craig to Castlereagh (No. 1). Had been unable from illness to write when the packet was made up for the fleet on the 26th ulto., except a private note to announce his arrival. Is now better. He had landed on the 18th but could not take the oaths till the 24th and then in his bedroom. Would have preferred a more solemn ceremony, but for the possible risk of inconvenience to public business. The muster of the militia, called a review had taken place, and he was assured that the disposition was commendable, except in a few cases; cannot yet form his own judgment of how far these may detract from the favourable side. No returns have been made of the actual numbers that presented themselves; the fifth ordered to hold itself in readiness amounts to nearly 7,500, making the total something about 37,000. No orders given to call out the fifth; it does not appear possible to put the measure into execution this season with the least hope of benefit, with respect to rendering them of more use than they would be called upon in spring; the calling them out now would be attended with a heavy expense and probably occasion dissatisfaction. Has little knowledge on the subject, but it appears to him to be replete with difficulties. In the meantime, asks for a supply of necessities; a considerable supply of small arms wanted, the present stock is about 7,000; Upper Canada has lately received from this Province 4,000 or 5,000, but they cannot be spared. For both Provinces an addition of 7,000 wanted. There are no accoutrements, without them no selected body of militia can serve effectually; they are probably in the same situation in Upper Canada; at least 10,000 wanted. Other articles mentioned. Was pleased on his arrival to find that Brock had not hesitated to order the completing of a wall round the precipice that separates the upper from the lower town. Before the working season returns he shall be able to consider what is required and communicate. The regard and esteem in which Dunn is held, particularly by Brock, who speaks of him highly. Believes that in respect to the lease of the St. Maurice Forges Dunn's conduct would stand the severest test. At his age (77) was not surprised that in his last dispatch he had not placed his case in the strongest point of view. It was true that a set of adventurers had agreed to offer £1,500 or £2,000, but had given up the project and never appeared at the auction. The creditable manner in which Brock conducted the military command; his disagreement with Dunn was a subject of regret to both and he found them on the best terms with each other. Este has presented his *mandamus* as Naval Officer; regrets the disappointment to Foy, who is a deserving man and has given satisfaction. Had received notice of the appointment of Forbes to be Lieut. Governor of Gaspé. Fargues having

1807.

- declined the appointment of Storekeeper to the Indian Department, has appointed Hawdon, who has been for seven years in the Secretary's Department and is well qualified for the duties of the office. Has communicated his arrival to His Majesty's Minister to the United States, but has not yet heard from him, or from the Lieut. Governor of Upper Canada. Page 5
- November 10, Same as same (No. 2). Sends requisition for a supply of goods for the Indian stores. 13
- Quebec. *Enclosed.* Requisition. 14
- November 10, Craig to Castlereagh (No. 3). Sends requisition for stationery for the use of the Indian Department. 16
- Quebec. *Enclosed.* Requisition. 17
- November 10, Craig to Castlereagh (No. 4). Sends certified copy of rates of exchange and prices current at Quebec for October. 19
- Quebec. *Enclosed.* Prices current. 20
- November 17, Craig to Castlereagh (No. 5). Transmits memorial of Mrs. Le Maistre, widow of the late Lieut. Governor of Gaspé. She is entirely dependent on an aged mother, widow of Lieut. Governor Cramahé, and two daughters, married to officers in the army. Recommends that she receive an adequate allowance. (Mrs. Cramahé received a pension of £150, the warrant stating it to be given "as widow of the late Hector Theophilus Cramahé, Lieutenant Governor of Detroit, pursuant to an order of the Lords of the Treasury, signified in Mr. Secretary Rose's letter of 31st May, 1790." Cramahé took the oath of office on the 12th of October, 1785, but, so far as can be traced, never entered on the government of Detroit. The last warrant for his salary is dated 1st May, 1787.) 23
- Quebec. *Enclosed.* Mrs. Le Maistre's memorial. 25
- December 14, Craig to Castlereagh (No. 6). Sends certified copy of rates of exchange and prices current at Quebec for November. 27
- Quebec. *Enclosed.* Prices current. 28

GOVERNOR CRAIG AND MISCELLANEOUS—1807.

1807.

Q. 106-2.

The first part, from page 292 to page 320, contains the conclusion of McLane's trial.

- March 7, Attorney and Solicitor General to Windham. Cannot recommend a bill to Parliament at present respecting the liability of lands for the payment of contract debts. Should such legislation be necessary, the Provincial Legislatures should be asked to adopt the measures best calculated for the object proposed. Page 321
- Lincoln's Inn.
- March 9, Sir John Johnson to Windham. Transmits correspondence with President Dunn on the subject of the appointment he recommends to fill the vacancy caused by the death of Lees, of Storekeeper General of the Indian Department. 324
- Quebec. *Enclosed.* Sir John to Dunn 7th March. Recommends his son to succeed Lees, and Patrick Langan to succeed to the office of Secretary of the Indian Department. Should there be objections to his son, recommends that Langan be made Storekeeper General. 327
- Dunn to Sir John, 8th March. That he has appointed his son-in-law, Fargues, to the vacant office. 330
- March 14, Treasury (Harrison) to Cockburn. Transmits further documents respecting a pension to the widow of La Corne St. Luc. 332
- Trenbury. *Enclosed.* A. Lenox to the Secretary at War, 19th February, with La Corne St. Luc's commission. 333

1807.

Secretary at War to Harrison, 5th March. Has received commission, &c., but for want of information of La Corne's death, &c., cannot decide on the widow's claim. Page 334

March 16,
Cockglade.

Milnes to Shee (private). Had received correspondence respecting Black's claims. He had received the grant of the township of Dorset, amounting to 53,000 acres, which it is believed he sold for a considerable sum, but was unfortunate in business. Had always understood that he was satisfied with his compensation, but should his present distress, &c., lead to his obtaining a further reward, can only add that his services were of the first importance. Objects pointed out in Black's memorial are all in the military department, including the seigniority of Sorel. Respecting the position of the late Mr. Duchesnay, the Duke of Kent has been misinformed, as he was only an honorary member of the Council; its composition, the importance of a proper choice as it is a court of final appeal in the Province. The peculiar situation he holds with respect to the recommendation for the office of Lieut. Governor of Gaspé. His reasons for recommending Forbes for that office. The powers under which he (Milnes) acted whilst at Quebec. 335

Enclosed. Extract from the King's instructions relative to filling up vacancies in the Councils. 342

Milnes to Camden, 18th February, 1805, announcing the death of Le Maître, Lieut. Governor of Gaspé, from whose illness affairs there have suffered and recommending Alexander Forbes to succeed, for whose abilities he can vouch. 343

March 17,
Chatham.

De la Garde to Cockburn. Respecting his request to be informed of the number of acres he is entitled to by his grant. 345

March 18,
Downing
Street.

Substance of letter, Windham to Milnes. That he could hold out no hope for a retrospective allowance, nor for the addition in future of an addition to the salary, should he return to Canada. 347

March 19,
London.

Black to Gordon. Should any part of his claims not be clearly understood, shall be happy to explain fully. The points to be made clear are given in detail. 348

March 20,
London.

Same to same. Entreats that his case may not be referred to the jarring counsels and jealousies that generally exist between governors and commanders of the forces, as that was the chief cause why His Majesty's gracious intentions were not long before carried into effect. 350

Enclosed. Extract of letter from Portland to Prescott, dated 1st August, 1798, authorizing him to make a grant of land to Black in accordance with his services. 351

April 11.

Abbé Calonne (in French). Applies for a renewal of leave to go to Canada, granted at the beginning of August, but which he could not make use of till spring. Has sent all his effects to Canada and as the ship in which he has taken passage is to sail on the 15th, asks for a speedy answer. 352

Enclosed. Abbé Calonne to Lord Castlereagh (in French). That the Marquis of Hertford had promised to speak on his behalf. His brother is known to Portland and had been granted lands in Prince Edward Island. Asks for a renewal of permission to go to Canada to end his days there, having been asked by the Catholic Bishop to come there, where his services were supposed to be useful. Milnes was opposed to his being there, but Windham after full investigation thought it right to give permission. Other considerations in support of his request. 353

Calonne to Hertford, 7th April (in French). Asking his influence with Castlereagh for permission to go to Canada and to have his allowance continued. 356

April 13,
Horse-
Guards.

Gordon to Cooke. Transmits by order of the Commander-in-Chief, to be laid before Castlereagh for favourable consideration, a second memorial

1807.

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April 14,
London.

April 16,
London.

April 17,
London.

April 18,
London.

April 28,
Horse
Guards.

from Colonel Bowes, on the subject of his claim to remuneration for the extra expense and responsibility he incurred whilst in command of the troops in the two Canadas. Page 359

Enclosed. Bowes to Gordon, 12th April. Sends a second memorial, the 1st battalion of the 6th regiment, which he commands, being ordered for embarkation. 360

Memorial. Introduction only, the rest of the memorial, a repetition of the first, is in Q. 106-1, p. 33. 361

Thomas Edward Brown to Castlereagh. Two young men, chiefs of the Iroquois from the village at the Lake of Two Mountains, and a chief's son from Lorette have arrived to present a petition for some lands formerly belonging to these villages. They had consulted no one respecting this visit, and came addressed to a friend of his in Liverpool, who had sent them on to him. They are in want of every necessary and look to the King as their father and protector of their tribes. The young man from Lorette is personally known to the Duke of Kent. 363

Memorandum on three Iroquois Indians, who have arrived to claim lands at the Lake of Two Mountains and at Lorette. They are without money or clothes. The only credentials they have is a paper, purporting to be the result of a meeting of chiefs. 362

Brown to Cooke. Had impressed on the Indians the impossibility of anything being done in their case, except by reference to the Executive Government of Canada. If the King had the power to grant their request, the lands, he (Brown) thought, would only be granted to be subdivided so that each family might have its separate lot, not to be transferred for a period to be fixed on. This would keep out vagrants, and if a sale could not be made for liquor, it would tend to improve their moral habits and private industry. If these lands could not be given, owing to previous grants, land might be given in some other situation on the same terms. The Indians seemed pleased at this, and said these terms would meet the approbation of the villages. These Indians have full authority to act for the rest, and have asked him to propose anything to His Majesty's Government which might conduce to the general interest of their tribes. They are accustomed to husbandry, and if the lands were restored to them, they would only need a very trifling assistance, in the case of new lands they would require the same as is given to European settlers. 366

Statement of their case by the Indians. 369

Milnes to Gordon. Asks that the meeting be deferred till he can look over some memoranda. 371

Neville to Stewart. That Mann's report on the defences of Quebec was submitted, with the plans, to a Committee of Royal Engineers, and transmitted to Camden, with a letter from Chatham, on the 5th of July, 1805. 372

Gordon to Cooke. By direction of the Commander-in-Chief, transmits papers relative to Canada. 373

Enclosed. Mathews to Colonel Gordon, dated 25th April, 1807. Sends extract of a letter from Quebec, from a well informed man, well acquainted with the people. Why should French newspapers now appear for the first time since the Conquest, after 40 years of assimilation? The father of the de Lery mentioned in the letter is an old French militaire, and in the Legislative Council many years, where he has always conducted himself with propriety. His oldest son was in the French service, and held some situation near the person of Louis. The Perrault family has always been protected by Government, and so have the lawyers alluded to, but they have long since shown the cloven foot. Has seen many of the most respectable traders, who declare the growing defection, even to insolence, of the Canadians; in Vermont,

1807.

10,000 hardy vagabonds might be got together in three days. Upper Canada is equally assailable. There are many good subjects in the new settlement, but some bad ones. Fears that in the present situation, the Canadas would be an easy prey to a considerable force. Page 375

Extract of letter from Quebec without signature, dated 27th January. Steps taken to alienate the Canadians. Two French newspapers with this tendency are lately started, the editors being lawyers, firebrands of society. General Turreau, the French Minister, tried to establish a French paper in New York, but failed; it is suspected he has been more successful here, as the types for one, if not for both, of these papers came from the States. Young de Lery left at the beginning of last winter to go, as he said, to England, but it is since reported he has joined the French service. A son of Perrault, the *greffier*, has been absent two years, and it is said, has been on board a French ship of war. He has returned and given a flattering account of Turreau. It is reported that every ship from France bring from 12 to 20 soldiers and New York is full of French officers. Perrault says they are intended for the French West Indies, but he is not entrusted with their secrets. Would not be surprised to hear of a second Miranda or Burr starting up at the head of these fellows and marching on Canada; they will find enough of Vermontese to join them for the sake of plunder, for the United States Government has not sufficient energy to prevent its citizens forming similar expeditions. The importance of having the military and civil authority united in one person. 376

May 19,
London.

John Young to Cooke. Sends memorial to be appointed Collector of Customs at Quebec, which he asks to be forwarded to the Treasury. 379
Enclosed. Memorial. 380

May 23,
Treasury.

Harrison to Cooke. Sends copy of report by the Comptrollers of army accounts, respecting the claim of Colonel Bowes, for expenses incurred whilst commanding the forces in Canada. The Treasury approves of the recommendation of the Comptrollers that an officer on the staff, not a general officer, succeeding to the command on a foreign station, shall receive the pay and allowances, whilst in command, of the rank immediately superior to that which he holds in the army. 383

Enclosed. Report, 30th April. 384

May 24,
Quebec.

Allcock to Castlereagh. On the change of Ministry thinks it his duty to inform His Lordship of the situation of this Government. Dunn, the President, is superannuated, his memory has failed, and the injury to the colony for want of a Governor cannot be conceived. Owing to the change of Ministry so soon before the sailing of the fleet, presumes the necessary arrangements for this Province could not be made, but if a Lieut. Governor is appointed, hopes the present information will not be considered an intrusion. Does not believe the report that Justice Thorpe is to be transferred from Upper Canada to the King's Bench, Quebec. The evil effects of his conduct in Upper Canada only prevented by Gore's wise and decided measures. The mischief Thorpe would cause in Quebec. 386

May 28,
Ordnance.

Crewe to Cooke. On a recommendation from Brock for a hospital at Quebec, referred to Morse, Inspector General of Works, transmits report, with plans, prepared by Morse and Mann of the Royal Engineers. The Master General and Board of Ordnance entirely concur in the opinion of these officers in regard to the construction of the proposed range of barracks at Quebec. 389

Enclosed. Morse to Crewe. That he had transmitted the proposals by Brock for a range of barracks to serve as a hospital upon Cape Diamond at Quebec. The change suggested by Mann, to have casemates in the lower story, of great value. Recommends that orders

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Whitehall.June 8,
Stanmore.June 22,
Treasury.July 3,
Treasury.July 4,
Horse
Guards.July 7,
Stanmore.July 9,
Dublin.July 10,
London.

should be sent to have the work carried into execution. The additional expense should, he hopes, not be an objection. Page 390

Mann's report, dated 28th February. 392

Plan. 394a

Fawkener to Cooke. The Lords of Trade desire that as there is no land cleared to the extent of 150 acres that can be granted to Grece for the cultivation of hemp, the Governor of Lower Canada is to be instructed, if Grece has fulfilled his engagements for carrying on the cultivation of hemp, so far as circumstances have permitted him, that to preserve the public faith, 150 should be bought or a pecuniary allowance made him in lieu thereof. 395

Enclosed. Papers relating to the claim of Grece. 397 to 405

Bishop (Anglican) of Quebec to Canning. Asking that he would use his influence with Castlereagh to have his memorial considered. 406

Enclosed. Letter to Castlereagh of same date, with memorial which he prays may be laid before the King. 408

Memorial, stating the disadvantages under which the Church of England labours in Canada, and soliciting that remedial measures may be adopted. 409

Harrison to Cooke. Transmits letter from Dunn, dated 15th April, with Receiver General's account current to 13th October, 1806, and report of a Committee of the whole Council, for the information of Castlereagh. 415

Harrison to Cooke. The Lords of the Treasury desire to have copies of the appointment of and instructions to Guy Carleton in 1775, and those subsequently granted to Haldimand for the Commissioners for auditing the Public Accounts. 416

Gordon to same. Transmits for Castlereagh's consideration a dispatch from Brock relative to a piece of waste land of the Crown adjoining the barracks in Quebec, stating the benefit that would arise were its use given to the troops. 417

Enclosed. Brock to Gordon, dated Quebec, 4th May. The advantage the possession of the ground about the Jesuit Barracks would be if appropriated to the troops, for their recreation as well as for drill and military discipline. Encloses previous representations on the subject, namely, letter from Hunter to Hobart, 10th August, 1804, report by Gother Mann to Hunter, 11th November, 1802, and another report from Mann to Hunter, 15th January, 1800. 418, 422, 424, 429

Plan of the Jesuits' Barracks and ground depending on them, with contiguous streets and market-place, 1807, coloured. 432a

Bishop (Anglican) of Quebec to Castlereagh. Presses for the consideration of his memorial. 433

Harding Gifford to Cooke (?) That the supposed vacancy in the Chief Justiceship caused by the death of Monk has not occurred, the death of a nephew of the same name probably leading to the report. That the emoluments of a puisné judge led him at first to pay no attention to such a vacancy, but thinks now, if he had the assurance of being promoted to the Chief Justiceship, a previous discharge of the duties of the inferior office might serve as a preparation. 440

Memorial of Joseph Bouchette, stating his services and applying for an increase to his salary. He had come to London to lay before the Ministry the unsettled state of the boundary between the United States and Lower Canada, as shown by a statement annexed and by an extract from a speech of the Governor of Vermont. 434

Enclosed. Statement showing the unsettled boundaries between Vermont and Lower Canada. 437

Extract from speech of the Governor of Vermont referred to. 439

1807.
July 10,
Treasury.

Harrison to Cooke. To move Castlereagh to favour the Treasury with an opinion on what may be done respecting Mrs. La Corne's petition for a pension. Page 442

July 11,
Treasury.

Same to same. To obtain Castlereagh's opinion on the application of Scott, Idle & Co. that the extent of the Navy contracts may not be stated in the licenses. 443

July 14,
London.

J. Brown to Governor Bentinck. Encloses memorial from Joshua H. Smith. The extreme misery of himself and family. Smith's hope of redress disappointed by the short tenure of office by the Ministry. Added to his other misfortunes is the loss of £5,200 by the failure of his agent. An extract from a letter gives a striking account of the misery to which the petitioner and his family were reduced. 444

Enclosed. Memorial by Joshua H. Smith, praying that his petition to the King may be presented. 447

Memorial to the King. That he is descended from an ancient English family, holding distinguished offices in America for nearly 100 years, till the dismemberment of the Empire by the American revolution. His brother was His Majesty's last Chief Justice of New York, and recently died in a similar office in Canada. His services and sufferings; how his claims were allowed to lapse, owing to the death of his agent &c., by which he remains languishing near the winter of life in poverty and misery too agonizing for the contemplation of His Majesty. 448

July 17,
London.

Documents accompanying memorial. 452

July 18,
London.

List sent by Joseph Bouchette of astronomical instruments required for the use of the Surveyor General's Department at Quebec. 454

Petition of Charles Noël, of the Huron Nation, and Levant and Lewis, both of the Iroquois Nation, all in Lower Canada, delegated by their respective nations. Stating the services of their nations as allies of the King, and praying for lands on which to hunt and which they can cultivate by degrees, as it is not to be expected that they could change their mode of living by immediately applying to agriculture alone. 456

July 20,
London.

Joseph Bouchette to Cooke. As he cannot expect any increase of salary, forwards a memorial to Castlereagh for a quarter township. His disappointment at his unsuccessful visit, &c. 459

July 21,
London.

(For memorial see page 434.)
Freeling to Cooke. Sends copy of letter from the post office, Quebec. 462

Enclosed. Boutillier to Freeling, Quebec, 27th May. Loss of the March mail by the upsetting of a canoe, about ninety-three leagues below Quebec. 463

Account of the sinking of the canoe and the loss of the mails, about four leagues above the Grand Falls. 464

July 22.

Milnes to Cooke. Had been obliged to leave town without seeing him, on account of the illness of Lady Milnes. The wrong idea held by Young of Quebec, respecting what was done in the Council in 1799 and 1803 in regard to the Jesuit estates in Quebec and Montreal. Has all the papers which he can show, so that a clear insight into the circumstances relating to these lands. Believes that the application on the part of the military arises more from jealousy between the Commander and the President, as previous Governors united the civil and military departments; did not think it necessary to allot the Jesuit Garden at Quebec to military purposes, though the college has always been used as a barrack. Has always felt that there could be no immediate necessity for giving up the whole garden to the military, for reasons stated. The papers will show the extreme jealousy of the Canadians respecting the Jesuit estates, and if any new step is to be taken, it should be entrusted to persons of higher rank than those now on the spot. Reminds

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July 22,
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July 29,
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July 31,
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August 5,
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August 8,
 Rosegreen.

August 9,
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August 14,
 Portsmouth.

August 14,
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August 16,
 Portsmouth.

August 19,
 London.

August 20,
 Horse
 Guards.

August 24,
 Admiralty.

August 24,
 Plymouth.

him of the promise respecting the appointment of Forbes to be Lieut. Governor of Gaspé. Page 465

Joseph A. Small to same (?) Calls attention to memorials and plans of William Bond, and asks that an interview with Castlereagh should be obtained for that gentleman. The benefit the acceptance of the plan would be to the country. 468

Bouchette to same. The unsettled state of the boundaries between the United States and Lower Canada must render it necessary to have a verification of the line 45° and the height of the land ascertained. As an order to this effect might be sent when he was not prepared with the necessary astronomical instruments, submits the case for consideration and sends list of the necessary instruments. Proposes to send to London maps of the Province and towns, if acceptable. States the heads of information they would contain. 470

Enclosed. List of astronomical instruments for the use of the Surveyor General's office, but more specially for ascertaining the boundary between the United States and Lower Canada. List dated 24th July. 472

(A previous list of the 17th July, is at page 454.)

Duke of Kent to Cooke. In event of a change of Governor in Quebec, recommends Major Robertson, of the 60th Regiment, for the position of private secretary. 474

Harrison to same. To obtain the opinion of Castlereagh on Scott, Idle & Co.'s contract for supplying masts, &c. 476

Order-in-Council, authorizing the issue of warrant for the appointment of Young and Williams to the Executive Council of Lower Canada. 477

Prescott to Castlereagh. Considering his long service, hopes for the short remainder of his life that some compensation might be considered as not unreasonable. 478

Bouchette to Cooke. Being obliged to leave for Portsmouth to obtain passage for Canada, has stated fully his services and claims in the hope that a favourable construction may be put on them. It has not been in his power to accomplish what he suggested, will try to do so at Portsmouth, and will send further information from Canada. 479

Enclosed. Memorial stating his services and praying for an increase in his salary. 481

Documents of various dates referring to Bouchette's services. 486 to 498

Louis, Loren and Charles to Cooke. The three Indian delegates, complaining that they do not receive the accommodation they expected on board the transport and asking for £30 in order that they may have the same supplies as other passengers. 499

V. Chabot to Stuart. Calls attention to the case of the three Indians on board the transport. Would it not be worth while to send an order to make them comfortable to gain the good-will of the Indians when it may be needed? 501

McLean, Captain 10th Royal Veteran Battalion, to Cooke. The disappointment of the Indians at the allowance they are to receive on board the transport. The sum asked for (£30) would not be ill bestowed. Their decent and becoming behaviour. 502

Order-in-Council, approving of the commission and instructions to Craig and authorizing Castlereagh to prepare a warrant in accordance therewith. 503

Duke of York to Castlereagh. To give directions for the preparation of a commission to Craig as General and Commander of the Forces of Upper and Lower Canada. 505

Pole to Cooke. A detachment of the Royal Artillery for Canada to be accommodated on board the "Horatio." 506

Bouchette to same. His disappointment respecting his passage to Quebec; had lost the convoy and is now on board the ship "Pallas" for

1897

- St. John, N.B. If he cannot get on board the "Canada," a merchant ship, he must go to St. John, and proceed across the country to Quebec, an expensive journey, but which will afford an opportunity of acquiring a more correct knowledge of that communication. Hopes that his memorial may be considered previous to Craig's leaving London and its prayer granted. His reason for applying for a seat in the Council. Remarks on the proposed expedition of Moreau against Canada in event of a war and the little hope of its success, unless a much stronger force is sent than proposed. By proper military arrangements, the Americans would find it a very difficult task to take either of the Provinces, especially Lower Canada. Even in Upper Canada a most powerful resistance can be made and time will show that Canada is not so easy a prey as the Americans consider it to be. Page 507
- August 25, London. Craig to Stewart. Respecting the passage of his staff to Canada. 512
- August 27, Admiralty. Barron to Stewart. That the usual warrants in favour of Craig are ready for delivery. 514
- August 28, Lincoln's Inn. V. Gibbs and Thomas Plumer to Castlereagh. Opinion of Council on the powers of the Court held under a commission of Oyer and terminer and under a separate commission of gaol delivery. The sentences not to take effect until the approbation of the person administering the Government was obtained, but that no pardon should be granted by the latter until the cases are reported. Under the exceptional circumstances of the case on which an opinion is asked, it was prudent of the administrator to grant a respite. (For papers connected with this case, see Q. 102, pp. 298 to 329.) 515
- September 5, London. John Maitland to Cooke. Urging that the business relating to his lands may be settled with as little delay as possible. 518
- September 9, Quebec. General Order by President Dunn addressed to Baby, Adjutant-General of the Militia of Lower Canada, desiring him to make known to the officers, non-commissioned officers and privates of the militia the President's warmest approbation of their conduct, the same to be read by the commanding officers at the head of their respective corps, and that the President shall send an account to be laid before His Majesty. In English, 536; in French, 538. 536, 538
- September 28, Whitehall. Fawkener to Cooke. The Lords of Trade have under consideration a representation on the cultivation of hemp, to which he has devoted much attention. Their Lordships entertaining a favourable opinion of Bond's abilities, &c., recommend Castlereagh to instruct the Governor of Upper or Lower Canada, to grant him 1,200 acres, if His Lordship see no objection, one-half to be cleared land, if vacant, if not, one-fourth to be cleared land to be purchased for him. 523
- September 29, Chelsea. Mrs. Hamilton to Castlereagh. Forwards memorial from her daughter, the widow of Francis Le Maistre, Lieut. Governor of Gaspé, for a pension. 520
- Enclosed. Memorial of Mrs. Le Maistre. 522
- Recommendation from the Duke of Kent, 2nd August. 524
- Dorchester, of 26th August. 526
- October 3, Whitehall. Letter from the Council Office of this date, respecting the cultivation of hemp, by Campbell and Grece does not appear to have been received or acted upon by the Colonial Office. 529
- October 26, Montreal. A. Cuyler to Cooke. Had written him, before he retired from the Secretary of State's Department, respecting a grant he had obtained for him (Cuyler). Reminds him of the promise and forwards another memorial to Lord Camden (Castlereagh), a confirmation of the grant. Enters into details respecting the land, &c. 530
- Enclosed. Memorial to Castlereagh of same date. 533

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1807.
October 28,
Treasury.

Harrison to Cooke. Transmits documents relating to the contract with Scott, Idle & Co., for the information of Castlereagh and asking his directions thereon. Page 552

Enclosed. The documents relating to Scott, Idle & Co's contract for supplying masts, &c. 553 to 558

November 24, Proclamation by Sir J. H. Craig addressed to Adjutant General Baby, 540 546
Quebec, respecting the militia. English, 540; French, 546.

December 9, Sir John Johnson to Windham. Duplicate (not copied here) of letter 540 546
Quebec, of 9th March, with enclosures (see pp. 324, 327, 330). 571

No date. Memorial by John Black addressed to the Duke of Kent, being obser-
vations on the government and politics of Canada, (559) enclosing a
previous memorial (561) on the same subject, dated 9th October,
1806. 559, 561

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STATE PAPERS—UPPER CANADA.

LIEUT. GOVERNOR PETER HUNTER AND MISCELLANEOUS—1801.

Q. 291—1.

1801.

May 28 to
July 9.

Journals of Legislative Council and Assembly of Upper Canada.

Page 39 to Q. 291-2, p. 302

June 12,
York.

Allcock to Hunter. Remarks on the *Femme Couverte* Bill (in Hunter's No. 34, p. 1). The object of the bill is to enable married women to alienate either a life estate or an estate in fee simple with very small ceremony indeed instead of being obliged to do that which is required by the law of England. Is afraid that the Legislature in an unfortunate moment would do away with the now slender security provided against the influence of the husband. His experience had shown him that the court, instead of showing a disposition to facilitate the means by which a married woman could strip herself of her rights, was anxious to guard and protect her against improvident alienation of property. Believes, therefore, that had the courts been consulted, they would have opposed the proposed measure. General considerations on the inexpediency of the law. 3

(In Hunter's No. 34, p. 1.)

June 12,
York.

The same to same. His opinion on the bill respecting the sale of lands by the sheriff. The bill appears to have been introduced in consequence of a difference of opinion in the court; whether a plaintiff having obtained a judgment, could or could not sue out execution against the lands, which was decided in the affirmative, he (Allcock) dissenting. States the grounds of Powell's decision and his own dissent. The Chief Justice (Elmsley) will, no doubt, forward his own opinion. Gives at length the opposing views on the subject. 9

(In Hunter's No. 34, p. 1.)

July 11,
York.

Report of Chief Justice Elmsley on bills originating in the Legislative Council of Upper Canada, namely: "1. An Act to enable *femmes couvertes* having real estate, or interest in real estate more conveniently to alien the same." "2. An Act to continue an Act passed in 37th year of His Majesty's Reign, entitled: 'An Act for the better securing the Province against the King's Enemies.'" "3. An Act to allow Time for the sale of Lands and Tenements by the Sheriff." "4. An Act to prevent Acts of the Legislature from taking effect from a time prior to the passing thereof." 17

(In Hunter's No. 34, p. 1.)

August 4,
York.

Opinion of Scott, Attorney General, on the bill relating to the alienation of real estate by *femmes couvertes*, which agrees with that of Mr. Justice Allcock, so that it is not necessary to state the reasoning in justification for the opinion arrived at, and on the bill for allowing a certain time for the sale of lands and tenements by the sheriffs; the views on this bill he divides into the question of form and of substance, the consideration of which he states at length. 32

August 27,
York.

Hunter to Portland (No. 34). Sends copies of Acts to which the Royal Assent has been given. Sends opinion of Chief Justice Allcock and of the Attorney General on two reserved Acts. 1
(Enclosures calendared at their dates.)

LIEUT. GOVERNOR PETER HUNTER AND MISCELLANEOUS—1801.

Q. 291-2.

1800.

Continuation of Journals of Legislative Council and Assembly from Q. 291-i.

January 1,
to December
31.

Accounts of articles on which duties are imposed by Lower Canada which have passed Coteau du Lac upwards, between 1st January and 30th June, 1800. Page 303

The same from 1st July to 31st December. 312

The same for articles on which duties are imposed passing downwards by Coteau du Lac from 1st January to 30th June. 319

The same from 1st July to 31st December. 320

(The certificates show that no goods of this character passed downwards.)

1801.
January 19,
Quebec.

Ryland to Fraser. That the Lieut. Governor desires to be informed whether certain tobacco passing Coteau du Lac was leaf or carrot—and if the former, whether proof was given that the duty thereon was paid. 321

The correspondence respecting the tobacco follows, showing that instead of 150 cwt. having passed the quantity was 150 pounds, and that everything was done properly. 321 to 323

April 5,
Quebec.

Return of revenues in Upper Canada from tavern and shop licenses, for the year ending on the date in the margin. 324

List of persons licensed to keep stills in Upper Canada for year ending on same date. 328

Account current of Peter Russell, Receiver General, between 7th June, 1800, and 27th May, 1801. 329

Account of licenses to inn-keepers, &c. 330

May 16,
Skittewas-
baa.

Thomas Talbot to Duke of Cumberland. Has arrived safely at his favourite settlement and finds his situation satisfactory. Since, before leaving, had neglected to issue the warrants for his lands; new regulations make the possession of lands more expensive and difficult to obtain than in 1794. Asks the Duke to obtain for himself a grant from the King for him of a township exempt from fees and obligations of location. When the Provincial deeds are obtained a transfer could then be made to him (Talbot); how the transfer papers can be sent, &c. The satisfaction he hopes to enjoy in the Province. 517

June 29,
Whitehall.

Lords of Trade (Fawkner, Secretary) to King. On a petition for Berczy for a grant of land. Asks that the same be submitted to Portland, to ascertain whether His Grace may not think it advisable to direct the Governor and Council of Upper Canada, should the allegations, &c., be substantially true, to pass a grant for the 64,000 acres prayed for. 503

July 23,
London.

Edward Law and Spencer Percival. Opinion that under the general law de Puisaye and his associates, being aliens, cannot purchase lands in Canada, but this may be modified by the King's proclamation, of which they ask for a copy. 506

August 5,
London.

Berczy to King. Encloses copy of letter of the 8th of July, respecting the proceedings on his petition for land, as he understands that letter has not been received. 508

August 15,

Enclosed. Letter of 8th July referred to. 510
Bishop of Leon to Portland (in French). Respecting M. Zocchi, a priest, to be sent to Canada as a missionary to the Indians on the St. Lawrence. 512September 2,
York.

Hunter to same. Has received approval of cutting a new canal across the neck of land above the Cascades. Every precaution will be taken to make the work beneficial and as little expensive as possible. Sends list furnished by de Puisaye of the military rank of the French

1801.

royalists now settled at Windham. Sends note of the quantity of land to be allotted to the Provincial troops and loyalists, according to rank, by the instructions of 7th August, 1783, 23rd August, 1786, and modifications in 1787 and 1788. Desires to know whether the lands to the French royalists are to be granted conformably to the instructions of 1783 or 1786. Transmits memorial from Mathew Elliott, dismissed from the Indian Department. Prescott having sent the papers in this case to the Secretary for the Colonies, he (Hunter) is precluded from dealing with it. Page 332

Enclosed. Memorial of Elliott (335). Other papers relating to Elliott's case, namely, Simcoe to Elliott, 4th April, 1800, (336). Russell to Elliott, 27th June, 1801, (337). Certificate by Thomas Ridout, N.P., York, that these are true copies (339). 335 to 339

September 30,
Quebec.

Return of the military rank formerly held by the French royalists. 340
Hunter to Portland (No. 36). Had received dispatch relating to a grant of 64,000 acres to Berezy; copies of the papers relating to this subject sent to the Executive Council of Upper Canada, with directions to report. Shall send the report as soon as possible with every other information he can obtain on the subject. 342

September 30,
Quebec.

The same to King. On the subject of the grant of 64,000 acres to Berezy. 344

October 8,
Quebec.

The same to Portland (No. 37). Sends requisitions for clothing for the first and second battalions of Royal Canadian Volunteers for 1801, to replace that sent by the "Sovereign," wrecked on Cape Breton, on 17th May last. 345

Enclosed. Requisitions. 346, 348, 350, 352

October 11,
Castle Hill
Lodge.

Duke of Kent to Hobart. Respecting the grant of land promised to Colonel Talbot in Upper Canada; he has asked for a township to be granted to the Duke of Cumberland and afterwards transferred to him (Talbot), but the Duke does not wish his name to appear in the transaction. Asks that a township be granted to Talbot, exempt from Government fees. The grounds for the application. 514

Enclosed. Talbot to the Duke of Cumberland. For his influence to obtain a grant of land, the township of Houghton in the County of Norfolk on Lake Erie, or one adjacent preferred, to be granted in name of the Duke, and afterwards transferred, with exemption from fees. 517

October 17,
Quebec.

Hunter to Hobart (No. 1). Acknowledging receipt of circular that he (Hobart) had been appointed to the Colonial Department. 354

October 17,
Quebec.

The same to King. Acknowledges receipt of circular with Portland's dispatches. 355

October 26,
Quebec.

The same to Hobart (No. 2). Sends requisition for goods to be used as presents for the Indians. 356

Enclosed. Requisition. 357

November 28,
Treasury.

Addington to King. Transmits requisition for goods for presents to the Indians, in order to obtain Hobart's opinion thereon. 521

December 3,
Downing
Street.

Hobart to Hunter (No. 4). Dispatches received and laid before the King. Shall send orders respecting lands to French royalists by some other opportunity and also opinion of the law officers whether grants of land can be legally made to the persons in question, being aliens and not naturalized. In the case of Elliott, sends copy of the representation made by Prescott in 1797, in consequence of which Elliott was removed. If circumstances seem to entitle his case to a reconsideration, he (Hunter) is to have inquiry made, reporting the result. The requisitions have been transmitted to the Treasury. 362

December 27,
Quebec.

Hunter to Hobart (No. 3). Transmits report of Executive Council on Berezy's case; believes the report to be perfectly correct. 364

1801.

Enclosed. Report of the Executive Council dated 31st October, 1801, signed by Chief Justice Elmsley, entering into minute details and criticising Berczy's statements. Page 366 to 406

Various dates.

Miscellaneous documents relating to the capitulation of Quebec, &c., already on the shelves in printed form. 408 to 502

1802

LIEUT. GOV. PETER HUNTER—1820.

Q. 292.

1802.

January 5,
Quebec.

Hunter to Hobart (No. 4). Has received dispatch that preliminaries of peace had been signed between His Majesty and the French Republic. Page 2

January 8,
Quebec.

Same to same (No. 5). Acknowledges receipt of the information of the ratification of the preliminaries of peace and printed copies of the preliminaries. 3

January 15,
Quebec.

Same to same (No. 6). Recommends a grant of land to Powell, one of the Justices of the Court of King's Bench. 5

February 4,
Downing
Street.

Hobart to Hunter (No. 5). Transmits copy of a paper by Mackenzie, who has visited the Lakes of Canada and paid considerable attention to the subject of opening a more practicable communication through these Lakes with the St. Lawrence. The object is very desirable and would ensure vast advantages to the Canadian Provinces. Is the more inclined to recommend the proposition, as, although of greater extent, it agrees with the plan transmitted by him (Hunter) and authorized by Portland for improving the communication between Upper and Lower Canada, by cutting a new canal across the neck of land above the Cascades. To report on the subject, with the estimated cost, &c. The assistance he will receive from Mann's professional abilities. Sends a memorial for land from Mrs. Van Allen; desires that it be laid before the Executive Council. 9

February 20,
Quebec.

Hunter to Hobart (No. 7). Recommends that Henry Alcock, one of the Judges of King's Bench, be appointed to the Legislative Council to supply the vacancy caused by the death of John Munro. 12

March 22,
Quebec.

Same to same (No. 8). Has received the order to purchase the house and premises near Fort George, the property of D. W. Smith, for £2,250, to be converted into quarters for the officers. On his return to York he shall give orders to have the necessary deeds prepared. Has appointed the Rev. Richard Pollard to be the resident Church of England Minister at Sandwich. 14

April 8,
Downing
Street.

Hobart to Hunter (No. 6). Transmits report on the question of granting lands to French royalists and copy of an Order in Council approving of bill for establishing a Court of Chancery in Upper Canada. It is only fair to grant the lands promised to the French royalists, but as they must be naturalized, which requires an Act of Parliament, this must be fully explained to them, and a list must be obtained of those to be included in such an arrangement. In the meantime, allotments of land may be made to them on the same principle as those to original American loyalists, in accordance with instructions already given. 16

Enclosed. Opinion of Edward Law and Spencer Percival, dated 23rd July, 1801, respecting grants to aliens. 19

Order in Council, dated St. James, 24th March, 1802, that in regard to a Court of Chancery proposed for Upper Canada, the Governor is already vested with power to settle cases in equity and can call assistance and that the court proposed should not be constituted without full consideration. 21

1802.

May 6,
Downing
Street.

Hobart to Hunter (No. 7). Has laid the report on Berczy's petition for 64,000 acres before the Privy Council. A grant of land to be made to Mr. Justice Powell.

Page 7

May 19,
York.

Russell to same. Had stated in letter to Green of 16th February, that the bill drawn on Goddard for £800, for building churches had been returned protested. Narrates the circumstances of the grant of £1,000 for this purpose and the steps taken to have churches built by the places interested, assisted by grants from the £1,000 appropriated for that purpose. The western district, the first which had complied with the conditions, received £200 for the church in Sandwich. The intention being to advance money as church wardens were appointed for Newark, York, New Johnstown and Cornwall, orders were sent by the Treasury to draw on Goddard, into whose hands the money had been imprested. How the bill drawn on Goddard was protested, and at what expense.

27

May 20,
York.

Hunter to Hobart (No. 9). That on drawing for £800 the balance of the amount for building churches in Upper Canada, the bill was protested, the balance having been paid over to the present agent. The arrangement for the distribution was, for Sandwich, £100; Niagara, £100, York, £300; New Johnstown, £200; Cornwall, £200. At Kingston a church has been built. In the places now mentioned the people are building or preparing to build and are applying for their proportion. Asks that steps be taken to enable him to obtain the amounts granted by Parliament. Sends copy of Russell's letter. Any loss caused by the bill being protested should fall on Russell, as he received particular directions to prevent this.

24

May 31,
Downing
Street.

Hobart to Hunter (No. 8). The appointment of Elmsley to succeed Osgoode in the office of Chief Justice of Lower Canada and Alcock to succeed Elmsley in that office in Upper Canada.

33

May 31,
Downing
Street.

Same to same (No. 9). Acts (enumerated) referred to in letter of 27th August, 1801, appear liable to no objection. That relating to more easy alienation of lands by *femmes couvertes* is still under consideration.

35

June 3,
York.

Hunter to Hobart (No. 10). That he was to be informed of the proportions in which lands were to be granted to French royalists. Only thirteen of them now remain of those who came with M. de Puisaye. He had given passports to Count M. d'Allegre to return to England. Does not think Elliott's case requires further consideration.

39

June 8,
York.

Same to same (No. 11). Sends his speech at the opening of the Legislature with address in answer and his reply.

41

Enclosed. Speech.

42

Address in answer by the Council.

43

Reply.

46

Address by the Assembly.

46

Reply.

48

June 23,
York.

Hunter to Hobart (No. 12). Shall not fail to pay particular attention to the memorandum respecting a canal projected by the American States from Albany to Lake Ontario, and a canal between Lake Ontario and Montreal. Has directed Mann to report fully on the subject; shall transmit the report as soon as possible with his own observations. The memorial of Mrs. Van Allen for land has been laid before Council. The New Jersey volunteers, to which Mrs. Van Allen's late husband belonged, was sent to New Brunswick, disbanded and received lands there and there is every reason to believe Van Allen received his proportion in that Province. If His Lordship, however, thinks that the widow should receive a grant in Upper Canada, any directions His Lordship may give shall be carried out.

49

Enclosed. Mrs. Van Allen's petition.

52

Reference of same to Council and report thereon.

54

1862

July 17,
York.

Hunter to Hobart (No. 13). Sends copies of proposed leases for Crown and Clergy Reserves, and copy of the report on fees for passing the leases, which is approved of, but no part of the fees shall be collected till His Lordship's approbation is received. Sends also abstract of the grants of land which have passed the Seal between 1st January and 31st December, 1861, and copy of his speech on prorogation.

Enclosed. Proposed lease for 21 years of 200 acres of Crown Reserves.

A similar lease for 200 acres Clergy Reserves.

Report of the Council on the subject of fees on leases.

61

66

72

ABSTRACT from the Auditor's Docket Books of Grants of Land in Upper Canada which have passed the Great Seal of the Province between the 1st of January and 31st of December, 1861.

Counties.	No. of Grants.	Districts.	No. of Acres.	Total No of Grants.	Total No. of Acres Granted.
Durham.....	80	Home.	30,396	430	121,867½
Northumberland.....	127		37,795		
York.....	214		53,676½		
Lincoln.....	192	Niagara.	39,590½	198	39,590½
Glengarry.....	12	Eastern.	2,600	142	40,362
Dundas.....	73		20,769		
Prescott.....	20		9,400		
Russell.....	34		8,440		
Stormont.....	3		1,243		
Grenville.....	161	Johnston.	42,150½	326	83,011½
Carleton.....	81		7,650		
Leeds.....	134		34,111		
Essex.....	46	Western.	13,454	68	23,160½
Kent.....	22		9,706½		
Middlesex.....	23	London.	5,920	171	73,154
Norfolk.....	99		47,447		
Oxford.....	49		19,787		
Frontenac.....	80	Midland.	19,605	401	98,472
Hastings.....	112		36,480		
Addington and Lennox.....	128		22,107		
Prince Edward.....	81		20,280		
Total			1,736		479,618½

PETER RUSSELL,
Auditor General.

1802.

For the above grants of land the faith of Government was pledged by Land Board Certificates or Order of Council, previous to the commencement of Lieut. Governor Hunter's administration. Page 75

Speech on prorogation. 77

Journals of Assembly, 25th May to 7th July, 1802. 80

September 4,
Downing
Street.

Hobart to Hunter (No. 10). Respecting Acts reserved, to which the Royal assent has been given and other Acts approved of. 57

LIEUT. GOV. PETER HUNTER AND MISCELLANEOUS—1802.

Q. 293.

1801.

December 24,
York.

Alcock to King. Reminding him of the conditions on which he came to Canada. He would accept the office of Chancellor of the proposed Court of Chancery were the endowments equal to those of the Chief Justice, but the Chief Justiceship is infinitely the preferable situation. Page 128

1802.

January 5,
London.

Report by the Attorney and Solicitor General respecting grants of land in Canada to French royalists, being aliens. 124

February 8,
London.

King to Sullivan. Relative to letter enclosed (letter from Alcock, dated 24th December, 1801, p. 128, calendared at date). 127

February 25,
Treasury.

Addington to same. Sends letter from the Duke of Kent, with memorials from Connolly appointed Deputy Superintendent of Indian affairs in Upper and Lower Canada, but from which he was suspended by Hunter, asking that it be submitted to Lord Hobart to be informed whether the appointment had been vested in the Commander-in-Chief of British North America, or in the Civil Government. 130

March 2,
London.

W. M. Pitt to Hobart. Reminding him of the case of Mathew Scott and asking for a grant of land for him in Upper Canada. 132

March 12,
London.

Duke of Kent to Sullivan. Enters into a detailed explanation of the reasons for appointing Lieut. Colonel Connolly to be Deputy Superintendent of Indian affairs, and sending copies of instructions to Lord Dorchester and other documents, as justification for believing he had authority to make the appointment. Asks that the letter and enclosures be laid before Hobart. 135

March 24,
St. James'.

Enclosed. Documents referred to in the letter. 141, 147, 150, 153
Order-in-Council respecting bill for erecting a Court of Chancery in Upper Canada, with observations. The Committee of Council reports, that the appointment of a judge of Chancery, distinct from the Chancellor should not be made but on very serious considerations. "That the Governor of the Province for the time being by his commission and the powers incident to his office is already vested with sufficient authority to exercise an equity jurisdiction to the full extent pointed out in Lieutenant Governor Hunter's letter" and is to be authorized "to call for the assistance of any of Your Majesty's judges or law officers of the Province.....in framing regulations and forms for the conduct of the business and the mode of proceeding in a Court of Chancery." In like manner he is to frame a table of fees. 155

April 4,
London.

Selkirk to Pelham. Encloses statement of his ideas as to the choice of the situation of the proposed colony. Explains the grounds of his confidence that he will obtain a considerable number of emigrants. If the colony were once successful many would join their friends; there is scarcely a limit to the number of those who might be induced to go by the offer of advantageous wages for a term of years. Had found in all parts of Ireland that labourers would engage to serve almost anywhere for wages. His long experience in agriculture enables him to say that

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1802.

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1802.

April 11,
London.

April 14,
London.

May 25 to
July 7.

May 26,
Treasury.

May 27,
Whitehall.

May 31,
London.

June 2,
St. Jan.ew.

June 9,
London.

June 17,
Whitehall.

the work obtained would be equivalent to the wages paid. His proposal to furnish an annual supply of hemp. Page 169

Enclosed. Proposal tending to the permanent security of Ireland, in a memorial addressed to His Majesty's Secretary of State, &c., &c., by the Earl of Selkirk. The proposal is to establish a separate colony in some part of British North America, so as to provide for a large number of Irish emigrants, the expense of whose passage he proposes should be paid by Government. The proposal is dated 31st March, 1802. 172

Supplementary observations, 3rd April. 178

Duke of Kent to Sullivan. Encloses letter from Prescott relating to the patronage vested in the Commander-in Chief in regard to the Indian Department in Canada. The hardship in the case of Connolly. 158

Enclosed. Letter from Prescott to the Duke of Kent stating that in his opinion the patronage in the Indian Department was vested in the Commander-in-Chief. 160

Duke of Kent to Sullivan. For information respecting a Swiss regiment for Gibraltar, and enclosing memorial from a widow for lands due to her late husband in Canada. 162

Journal and proceedings of the Legislative Council of Upper Canada, during the period in the margin. 1

Addington to Sullivan. That the Treasury can grant Connolly no relief. 164

Notes on Lord Selkirk's plan of emigration by King (see p. 166). Disapproves of emigration *en masse*, and sees great difficulty in Government attempting to transport and settle people from Ireland or elsewhere in either of the Canadas. No new district nor colony could be formed there, every settler on arriving should be subject to the existing laws and authorities, and no plan of settlement can be found practicable that attempts to put settlers under any particular head, or with any privileges other than those granted to every British subject that goes to settle. The Duke of Portland took steps to encourage the culture of hemp by granting so many acres for every acre of hemp. Would be averse to interfering with the fur trade which takes good care of itself, there being such a thing as salutary neglect. 167

Selkirk to Hobart. Desires to obtain His Lordship's opinion on a paper sent to Lord Pelham but transferred to him (Hobart) as relating to the Colonies. 165

An undated note from Lord Pelham to Hobart, states that he had sent Selkirk's plan with King's observations upon it. 166

Order-in-Council appointing Allcock a member of the Executive Council of Upper Canada. 186

Selkirk to Hobart. For a decision on his proposals. If not accepted, as silence would seem to imply, asks that his memorial be returned, as he cannot be pledged to services the Government does not intend to accept. 188

King to Sullivan. Sends copies of correspondence respecting the proposed shipment of emigrants from the Highlands of Scotland to Canada. 189

Enclosed. Addington to King, 16th June. Sends letter from the Commissioners of Customs for the information of Pelham. 190

Commissioners of Customs, Edinburgh, 5th June. Transmit to the Treasury copy of letter from the Collector and Comptroller of Customs at Fort William. 191

Collector and Comptroller of Customs, Fort William, 24th May, respecting vessels engaged to carry emigrants to Canada, some to be loaded at this port and others at outlying stations to escape inspection. 193

1802.

- Commissioners of Customs, Edinburgh, 5th June. Instructions as to the course to be followed with the vessels engaged to carry emigrants. Page 195
- June 18, London. John Brickwood to Hobart. Returns the Earl of Selkirk's papers, with notes. The importance of the plan proposed. Shall take an early opportunity to see him (Hobart). 197
- July 6, Kirkcubright. Selkirk to same. Begs to be informed of the determination of Government on his colonization scheme. If not favourable, asks for His Lordship's intervention to obtain a grant of lands at the Falls of St. Mary, with the mines and minerals he may discover on the north side of Lakes Superior and Huron. Shall conform to such conditions as may be thought necessary to secure that the grants do not remain in an unimproved state. If, as hinted, lands should be open in Prince Edward Island, he would apply for grants there. He would thus be able to give his whole time and attention towards colonizing both tracts, which he could not afford to do in case of either singly. 201
- July 30, Quebec. Hunter to same. Had received, by the hands of Mr. Scott, instructions to grant him an allotment of land, which shall be done. 61
- July 31, Quebec. Same to same (No. 15). Had received extraordinary *Gazette*, announcing the arrival of Moore, with the definite treaty of peace, signed at Amiens on the 27th of March. Proclamations consequent on the peace have also been received. 62
- July 31, Quebec. Same to Sullivan. Has received estimate for the expenses of the civil establishment of Upper Canada. 64
- August 2, Quebec. Same to Hobart (No. 16). In consequence of the opinion of the Attorney and Solicitor General, that the French royalists must be naturalized before they can obtain lands, shall send list of those who desire to be included in naturalization bill. In the meantime, their situation shall be explained to them. 65
- August 4, Quebec. Same to same (No. 17). Has received dispatch that the report on Berczy's claim for 64,000 acres of land has been laid before the Privy Council, and desiring that a grant of land, on similar terms to those made to the Executive Councillors should be made to Mr. Justice Powell. 67
- August 11, London. Freeling to Sullivan. Respecting the increase of salary granted to Ridout and the loss caused to him by delay, from which he should not suffer. 203
- August 13, Quebec. *Enclosed*. Extract from a letter of J. G. Ridout, dated 6th August, in regard to his brother's salary. 206
- August 13, Quebec. Hunter to Hobart (No. 8). Has given D. W. Smith, Surveyor General, six months leave of absence. Sends copies of the Acts passed during last session. Smith's qualifications and character. 68
- August 14, Whitehall. Report of the Committee of the Privy Council, recommending the disallowance of an Act to declare the rights of certain grantees of waste lands of the Crown, and that the Assembly of Upper Canada be recommended to pass a new bill similar to the former, but containing additional matter. 208
- August 15, Quebec. Report on the Act enabling *femmes couvertes* to alienate. Recommends that it be allowed, with certain provisions which may either require a new bill or may be regulated by orders of the Courts. 211
- Order-in-Council, dated 16th August, disallowing the Act for declaring the rights of grantees of waste lands, &c. (213) and of the same date confirming two other Acts (215). 213, 215
- August 15, Quebec. Hunter to Hobart (No. 19). Has received information that Elmsley is appointed Chief Justice of Lower Canada, that Alcock is to be Chief Justice of Upper Canada, with a seat in the Executive and Legislative

otions as to carry emi- Page 195 rk's papers, ke an early 197 mination of le, asks for he Falls of n the north onditions as emain in an Prince Ed- hus be able both tracts. 201 Mr. Scott, h shall be 61 y Gazette. y of peace, usequent on 62 of the civil 64 ion of the s must be those who time, their 65 the report before the r terms to Mr. Justice 67 granted to should not 203 th August, 206 or General. sed during 68 ending the es of waste be recom- additional 208 ommends r require a 211 for declar- the same 213, 215 at Elmsley o be Chief egislative	1802. August 16, Quebec. August 21, Edinburgh. August 21, Edinburgh. August 29, Kirkeud- bright. August 30, Quebec. September 4, Downing Street. September 4, Downing Street. September 15, Quebec. September 21, Quebec.	Councils, and Cochrane, Chief Justice of Prince Edward Island is to be a puisné judge in Upper Canada. Page 72 Hunter to Hobart (No. 20). Acknowledges receipt of letter that Acts (mentioned) have not been liable to objection, and that the reserved Acts are still under consideration. 74 Selkirk to Adam Gordon. Is sending a person now in New York to the Falls of St. Mary to examine into certain points. Asks for official letters to the commanders of posts, &c. His name is Richard Savage. 217 Same to Hobart. States local circumstances respecting the grant he asks; does not object to the rules but there are exceptional cases. The important position of the Falls of St. Mary; through the strait the fur trade passes and it is the only communication through British territory between the North-West and the Eastern Provinces. But it has not advantages to attract settlers and some therefore must be held out to encourage them, and for this reason he had asked for the grant of the mines and minerals as a compensation for the expense he must incur to induce settlers to go beyond their usual range. The class of people whom he hopes to attract; but cannot state specifically the number he can settle till he is informed of the conditions. If not unfavourable, supposes he could, in the course of a few years, settle between 800 and 1,200 families from Scotland and Ireland, and if the grant of minerals were conferred he should not scruple to undertake still more. 219 Same to Gordon. Had not received letters recommending Richard Savage, so that he must write by this mail without them. Suggests that he might send the letters direct to New York. 223 Hunter to Hobart (No. 21). Sends requisition for presents for the Indians. 78 <i>Enclosed.</i> Requisition. 79 Hobart to Hunter (No. 11). That Lord Selkirk proposes to form a settlement in Upper Canada. The Falls of St. Mary seems to be the spot he has selected. He has commissioned Richard Savage to proceed there to make examinations; recommends that he obtain protection and aid from the officers at the military posts at Niagara, Detroit, and particularly at the Island of St. Joseph. 83 Same to same (No. 12). A memorial has been presented by the widow of Arnold respecting the fees on the 13,400 acres granted to him and his family. It appears that the 5,000 acres to the family were to be placed on the same favourable position as the 8,400 acres granted to himself. The application from Ridout is to be complied with unless there are reasons to the contrary effect. 85 The memorial dated London, 1st July, 1802. 198 Hunter to Hobart (No. 22). Transmits report on Sir Alexander Mackenzie's memorandum respecting the projected canal from Albany to Lake Ontario projected by the Americans, and one between Lake Ontario and Montreal. Mann's report coincides with his (Hunter's) sentiments. Mackenzie has not yet returned from the North-West. 86 <i>Enclosed.</i> Mann's report on the canal. 88 Mackenzie's memorandum. 120 Hunter to Sullivan. In answer to inquiries on the subject of providing fresh meat and other necessaries on the spot to reduce the demand for supplies from England, sends report from Craigie, Commissary General. 96 <i>Enclosed.</i> Estimate of provisions required for 4,000 troops in Canada from 25th June, 1802, to 1st October, 1804. 97a Craigie to Hunter, dated 18th September, entering into details respecting the supplies. 98
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1892.

October 5,
Downing
Street.

Hobart to Hunter (No. 13). Dispatches received. The draughts of the leases of Crown and Clergy Reserves and the tables of fees do not seem open to any objection. Mathew Scott is desirous rather to settle in Lower than in Upper Canada and has accordingly been recommended to Milnes for the same allotment and protection as he would have received from him (Hunter).

Page 70

October 25,
Montreal.

Sir Alexander Mackenzie to Sullivan. Sends for Hobart two papers, the substance of which will probably be transmitted through the Lieut. Governor. They show that he has not succeeded in bringing about the union between the two fur companies which Hobart recommended, unless Government grant one of the companies licenses, with the option to the other of sharing in proportion to the trade. Can see no means of bringing about a coalition for several years, by which time the trade may be ruined and the opportunity of making the Western establishments lost. Hunter, although averse to monopolies, agreed there was no way to carry on the trade except through a chartered company. Submits the propriety of forming a military establishment on the Western coast to prevent other nations from anticipating the country in so important an object. Urges the speedy establishment of a judicial power to prevent the contending fur companies from abusing any power numbers and strength might accidentally give one of them. The other good effects of such judicial power. Every thing in legislative interference should be avoided which could confer a sanction on the Hudson Bay Co. in regard to their doubtful charter or which could give them the right of checking commercial enterprise from this quarter by the usual inland routes for traders, nominally included in the charter. Refers to two unsuccessful attempts to reach the River Columbia by a more southern course than that he (Mackenzie) had followed, but the Astronomer declares the object to be not impracticable.

225

Enclosed. Richardson to Ryland, dated Montreal, 21st October. Respecting the defects of the law in respect to crimes committed outside of the Provincial boundaries.

230

Presentment of the Grand Jury of Montreal, September, 1802, on the evils arising in the Indian country from the want of a judicial establishment.

239

October 27,
London.

Col. Talbot to Sullivan. Sends certain papers.

245

Enclosed. Extract of letter from Simcoe that he would have given Talbot 5,000 acres of land, but had no authority. How he should proceed under the new system in regard to Crown lands.

246

October 27,
London.

Talbot to Sullivan. Submits his views on settling in Upper Canada and calls attention to the present state of the country, his services as private secretary to Simcoe having given him the opportunity of learning its condition, &c. The fertility of the soil and excellence of the climate not generally known to Europeans, who annex to the name of Canada the idea of a cold, inhospitable region. The population, consisting of refugees from all parts, principally from the United States, may be thus classed: 1. Those enticed by a gratuitous offer of land, without any predilection on their part to the British Constitution. 2. Those who have fled from the United States for crimes or to escape their creditors. 3. Republicans, whose principal motive for settling in that country is an anticipation of its shaking off its allegiance to Great Britain. These three descriptions of persons, with a few exceptions, comprise the present population. The character of the magistracy and the hardships often caused by them. To remedy some of these evils, prays for a grant of land, exempt from the payment of fees, so that his capital might be left free for the establishment of agricultural works, especially the cultivation of hemp. The importance of turning the tide of emigration to Canada. But this would overtax the means of an individual whose capital is not very great. Should Government undertake the work, he

1802.

November 3,
Downing
Street.November 18,
York.November 30,
Edinburgh.December 1.
Downing
Street.December 2.
Downing
Street.December 2.
York.December 22.
Treasury.December 23.
Kempshott.

No date.

would willingly procure persons to take charge of them to their destination. The expenses of their passage should be paid and tools, &c., furnished. Should Government decline to adopt this measure, hopes it will not be an obstacle to his obtaining his grant. Page 248

Hobart to Hunter (No. 14). Dispatches received. Requisitions for presents for the Indians sent to the Treasury. Russell's letter respecting the bill for £800, on account of the grant for building churches, also sent to the Treasury. 95

Hunter to Hobart (No. 23). Sends proposed table of fees in the Court of Chancery and letter from Alcock on the subject. Proposes that all the fees that may accrue to the Chancellor should go to the Chief Justice for reason given. De Puisaye having returned to England had sent for Count de Chalus and his brother the Viscount and read them an extract from his (Hobart's) letter of 3th April, respecting the necessity of the French royalists being naturalized before obtaining land, and fully explained the matter. They promised to furnish a list of those who might desire to be included in the arrangement. This shall be forwarded when received. 105

Enclosed. Table of fees to be taken in the Court of Chancery. (A note says: "All the fees in the foregoing tables are calculated upon the idea that the officers of the Court will not receive any salaries.") 108

Remarks by Alcock on the preceding table. 111

Selkirk to Hobart. In accordance with letter of 30th July, has been making particular inquiry about the people preparing to leave next year. Owing to the habit of the Highlanders to emigrate to where their friends are, large numbers still go to Carolina and New York. His efforts to turn them to His Majesty's dominions have not been in vain, although it required no small effort and an engagement that he (Selkirk) should go with them. Asks the support of Government in his effort. 256

Hobart to Hunter (No. 15). The order for a grant of land to the widow and children of the late Attorney General, (White) to be carried out, and as this grant is the principal resource of the family, the land is to be laid out in the most favourable situation. 113

Sullivan to same. Has sent to the Treasury report on the obtaining of supplies in Canada for the troops. Directions given that such supplies as can be obtained for the troops in the West Indies are to be drawn from Canada and Nova Scotia. 115

Hunter to Hobart (No. 24). Sends list of French royalists prepared by the Comte de Chalus. The name of Ambroise de Farcy de Roseray taken off the list at the request of Quetton St. George. 116

Enclosed. List referred to. 118

Sargent to ——. Sends for the information of Lord Hobart the statement that the balance of £800 of the sum of £1,000 for building churches having been repaid to the Treasury, that sum must be added to this year's estimates for the same purpose. 259

Dorchester to Pelham. Cannot avoid calling attention to the services of Sir John Johnson and Baby, although he had declined every interference with the affairs of Canada since he retired from the command. 261

Enclosed. Sir John to Dorchester, 14th December. 263

With two enclosures. 265, 268

Mrs. White, widow of the late Attorney General of Upper Canada, to Hobart, with heads of her memorial, the memorial itself having been mislaid. 271

Enclosed. Heads of memorial. 273, 274

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January 3,	Hunter to Hobart (No. 25). Remarks on bills reserved and which the Privy Council had taken into consideration.	Page 1
York	Same to same (No. 26). Lord Selkirk's proposed settlement in Upper Canada shall meet with every encouragement. The directions that the 8,400 acres to Arnold's family are to be on the same footing as the 5,000 to himself, shall be strictly attended to. Ridout's salary shall be increased as directed; his meritorious services. Calls attention to the want of an answer respecting the balance of £800 for building churches.	5
January 5,	Same to same (No. 27). Sends memorial of the officers of the Land granting department respecting fees and report of a Committee of Council. Concurs in opinion with the Committee and points out how the misapprehension respecting the fees arose.	7
York.	<i>Enclosed.</i> Memorial.	9
	Table of fees.	13
	Reference to Council.	14
	Report.	15
	Table of fees.	21, 22
January 25,	Hunter to Hobart (No. 28). Dispatches received; the proposed leases for the Crown and Clergy Reserves approved of. Sends speech at opening of the Legislature on the 27th of January.	23
York.	<i>Enclosed.</i> Speech to the Legislature.	25
	Address by the Council in answer.	28
	Reply.	30
	Address by the Assembly.	30
	Reply.	33
February 5,	Hobart to Hunter (separate). That on the arrival of Selkirk he is to receive a grant of 1,200 acres in any township not already appropriated, the rest of the township to be reserved; that for each family settled he may be granted 200 acres, provided he surrender 50 acres for each such family.	35
York.	Same to same (No. 16). Respecting the settlement proposed by Talbot in the township of Yarmouth, in the County of Norfolk, on Lake Erie. He is to receive 5,000 acres of land and a portion in the next township contiguous to the grant to be reserved to be appropriated to him according to circumstances. Asks his opinion as to the policy of making further grants for the speedy settlement of the country.	37
February 15,	Same to same (No. 17). The expected arrival of a body of Highlanders, mostly Macdonnell and partly disbanded soldiers of the late Glengarry Fencibles; their merit and services. They are accompanied by Mr. McDonnell, their late chaplain. He is to get 1,200 acres, and each family introduced to get 200 acres.	41
Downing Street.	Hunter to Hobart (No. 29). Remarks on bills passed by the Legislature. Sends speech on prorogation.	43
February 15,	<i>Enclosed.</i> Speech.	49
Downing Street.	Hunter to Hobart (No. 30). Regulations respecting quarantine received.	51
March 1,	Same to same (No. 31). Has learned that the requisition for goods for the Indians has been sent to the Treasury, as has also letter respecting the bill for £800 for church building which had been returned protested.	52
Downing Street.	Same to same (No. 32). Acknowledges receipt of letter by Talbot, that he is to obtain a grant of 5,000 acres. Steps have been taken to	
March 20,		
York.		
April 13,		
York.		
April 18,		
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May 15,		
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reserve an additional quantity for further grants as settlers shall be introduced. Is of opinion that it would promote the prosperity of the Province and the settlement of the waste lands were further grants made to persons of property and respectability, but precautions must be taken against speculators and land jobbers, and for this purpose a condition of clearing a certain extent and settling on the property should be enforced before grants are issued. An additional security is that fees of sixpence sterling and one penny halfpenny currency an acre approach nearly to the value of the land, so that speculators by paying a little more can get rid of all conditions. Still this difference and the favour and protection of Government would lead many to prefer grants from the Crown. How the fees are disposed of.

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May 20,
York.

Hunter to Hobart (No. 33). Sends letter from Allcock and testifies to the accuracy of its statements. Much confusion had formerly existed in the offices for the discharge of public business and this had materially injured the interests of many grantees. Much has been done and much remains to be done to remedy the evil. The zeal shown by Allcock in this respect. The great assistance he rendered before being promoted to his present position; he is well deserving of the Royal bounty which he solicits.

59

Enclosed. Allcock to Hunter, 14th May, for an addition to his salary, for reasons given.

62

Hunter to Hobart (No. 34). Sends copies of the Acts to which he has given the Royal assent, also of the journals of Council and Assembly.

66

Enclosed. Journal of Council from 27th January to 5th March 1803.

67

List of the Acts assented to.

140

LIEUT. GOV. PETER HUNTER—1803.

Q. 295.

Hunter to Sullivan. Acknowledges letter respecting the supply of provisions from Canada to the troops in the Province and to those in the West Indies. Will give the subject every attention in his power. Has also received order regarding Mediterranean passes.

Page 1

Same to Hobart (No. 35). Respecting the lands to be granted to the family of the deceased Attorney General (White), the cause of the delay and the decision as to the quantity is not to exceed 6,000 acres, showing that there are only 4,600 acres still to be granted.

3

Same to same (No. 36). Sends minutes of the Executive Council on State business from 13th July, 1801, to 29th June, 1802, and on Land matters from 1st July, 1799, to 29th December, 1801.

6

Enclosed. Minutes, 13th July. Examination of public accounts. 8 to 11 Authority from the Duke of Portland to increase the salaries of the clerks in the public offices.

12

Minutes, 17th July. Thomas Scott takes the oaths as Attorney General.

13

Opinion of Attorney General as to the claims of Mrs. Mary Rogers under the will of her late husband.

13

Opinion of the same that a deed may issue to lands on sufficient affidavit that the Land Board Certificate is lost.

16

Minutes, 18th August. Letters read from Green, private secretary to the Lieutenant Governor, addressed to Small, clerk of the Council, the first notifying the appointment of McGill to be Inspector General and Comptroller of Accounts, with directions how the accounts are to be prepared, the other that all proceedings of the Executive Council are to

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June 10,
York.June 17,
York.June 20,
York.

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be laid before the Lieut. Governor as soon as the business they may be upon is brought to a conclusion. Page 21

Minutes, 30th September. Letter laid before Council from the Mohawks complaining of Brant's conduct. 22

Letter from the Attorney General of Lower Canada giving an account of a Society in Lower Canada for subverting His Majesty's Government. 22

The claims of Berezy to be considered and reported on. 23

Minutes, 14th October. Pay for crew of yacht "Toronto" authorized. 24

Minutes, 20th October. Report by Givens, agent for Indian affairs, on the killing of an Indian girl by a white trader. 24

Report from Claus that disputes of the Six Nations about lands are at an end. 26

Minutes, 31st October. Report of Council on the claims of Berezy. The report gives the history of Berezy's transactions. 28

Minutes, 10th November, 1801. Application from McGill for copy of all claims allowed by the Commissioners and table of fees to be paid on grants of land; the application granted. 70

Minutes, 7th January, 1802. Pay of the crew of the yacht "Toronto" ordered. 71

Minutes, 19th January. Examination of public accounts. 72

Minutes, 2nd February. Supplementary account of the Solicitor General approved of. 76

Minutes, 16th February, 1802. Application by Jarvis, the Registrar, for registers for land grants; he is authorized to obtain the necessary books. 77

Minutes, 6th April. Instructions by the Lieut. Governor to the standing committee entered in full. 78

Report by Claus of an attempt by a man named Gilbert, to obtain lands from the Missisaukas. Givens to inquire into the matter. 82

Minutes, 13th April. Complaint by D. W. Smith of the insubordination of people on Yonge Street and their disregard of civil and military officers. The attempt of some of them to debauch the minds of youth. 83

Minutes, 27th April. Pay of crew of the yacht "Toronto" authorized. 85

Minutes, 4th May. Jarvis authorized to obtain boxes for holding land patents. 86

Report by Givens of Gilbert's transactions with Missisaukas on the Credit River. 87

Minutes, 11th May. Peter Russell, Receiver General, authorized to obtain stationery for his office. 88

Report of Council on the Attorney General's opinion on the case of Mrs. Mary Rogers. 89

Minutes, 9th June. Memorial praying that the bond for payment of duties on tobacco from the United States may be discharged, as no duty is exigible according to the treaty of 1794. The Council reports that the question should be left to the decision of the Courts of law. 96, 101

A similar memorial presented by Thomas B. Gough, also left to the decision of the Courts. 102

Report on applications for lease of the King's Mill in Ernest Town. 103

Report approved by the Lieut. Governor. 111

Minutes, 15th June. Lieut. Governor wishes for a report on the fees to be taken on passing the leases for Crown and Clergy Reserves. 111

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Minutes, 29th June. Lieut. Governor transmits proposed lease for 21 years of 200 acres of Crown and the same of Clergy Reserves, as drawn up by the Attorney General.

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Minutes on Land matters from 1st July, 1799, to 29th October, 1800.

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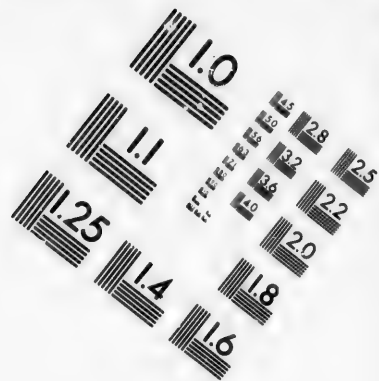
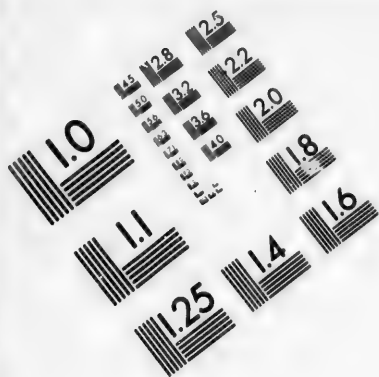
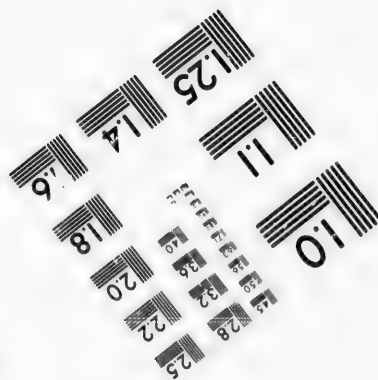
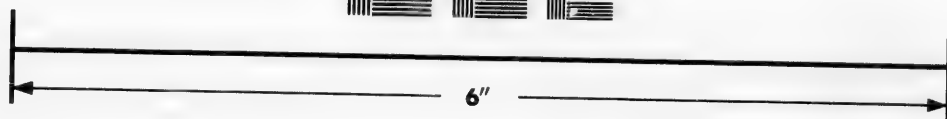
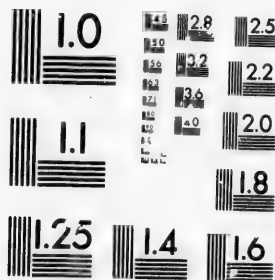


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Q.—296.

Continuation of minutes on Land matters.

Minutes, 4th November, 1800, to 29th December, 1801. Page 2 to 242
 (For names see alphabetical list.)

January 13,
 Serjeants'
 Inn.

Mr. Serjeant Samuel Shepherd to Hobart. That at the time of the death of White, Attorney General for Upper Canada, half a year's salary (£150) was due him, which was not drawn, as no power of attorney was received subsequent to that event. Prays that an order be issued for payment of the arrears, the executor having sent the power of attorney. 282

January 26,
 London.

Mr. Justice Cochrane to Hobart. Had been appointed puisné judge in Upper Canada, but as positive orders were sent that he was not to leave Prince Edward Island till Thorp, his successor, should arrive, he had been unable to get to Upper Canada and could not now reach it before spring. Asks, as he was not to blame for the delay, that his salary as judge in Upper Canada should be paid from the date of his appointment. 284

1803.

February 11,
London.

Simcoe to Hobart. Gives an account of the services, &c., of Talbot and his qualifications for settling lands in Upper Canada. His success in the cultivation of hemp has induced him to select the distant townships of Yarmouth as being suited to its growth, which he intends to extend through the whole township. Recommends that he be granted 5,000 acres in the township of Yarmouth, and that the remainder of the township be reserved for him to settle with subjects of his own selection, Talbot not to be required to pay more than half fees on the grants. 286

February 17,
York.

Russell to Hobart. Sends memorial respecting his salaries and allowances as Executive Councillor and Receiver General, which cannot be allowed anterior to the 1st June, 1792, without the authority of the Treasury; prays that he be paid from the date his appointments were notified to him. Page 293

Enclosed. Memorial. 295February 22,
London.

D. W. Smith to Sullivan. Sends commission to show that he is authorized to act by deputy, in support of his application for leave of absence. He would not take advantage of this clause except for the re-establishment of his health, and prays that effect may be given to his application. 299

Enclosed. Commission. 301

Letter from Green, private secretary to Hunter, dated 14th July, 1802, addressed to Smith, approving of the selection of Chewett and Ridout as his substitutes. 303

March 5,
London.

Wentworth Brinley to Sullivan. Had received orders to pay salary to Cochran as judge in Upper Canada, but cannot do so till he is informed of the exact date at which Allcock entered on the duties of his office. 312

March 12,
War Office.

War Office (Lewis) to Sullivan. That Captain Sinclair has received his half pay only up to the 24th June, 1801; the amount from 1st May to that date was £814 6s. 11d. 314

March 16,
Devizes.

Smith to Sullivan. Repeats his application for leave of absence. *Enclosed.* Memorial, dated 20th January, 1803. 306

March 18,
London.

Brownrigg to Sullivan. Sends by permission of the Duke of York a memorial from the widow of Major Fearon, who died in the West Indies, leaving his family in indigence. The Duke has provided for two of the family in the army; it is in the hope of providing for the others that the widow has applied for a grant of land in Upper Canada. 315

Enclosed. Memorial from Margaret Fearon, widow of Lieut. Col. Fearon, Major in the 31st Regiment. 316

March 21,
Treasury.

Sargent to Sullivan. The Lords of the Treasury see no objection to granting twelve months' leave of absence to D. W. Smith. 318

April 7,
London.

Lady Johnson to Sullivan. Respecting the payment of £200 to Sir John Johnson, with two years' back pay. 319

April 10,
London.

De Lancey to Sullivan. Had been unable to see him respecting the stoppage of £200 a year from Sir John Johnson, some doubt having arisen as to the authority by which the amount was to be paid. Asks for the direction of Hobart to the Lieut. Governor or officer commanding the troops to pay the amount. Forwards a letter from Lady Johnson on the subject. 321

April 28,
London.

Brindley to King. Respecting the allowance of £100 a year to Rev. Mr. Rudd, one of four clergymen to whom this amount was authorized to be paid. 322

May 3,
London.

Morice, Secretary to the Society for the Propagation of the Gospel, certifying that Mr. Rudd was in actual service during the period for which the bill was drawn. 324

May 6,
London.

Alured Clarke to Hobart. Had been unable to find papers relating to the payment of £200 additional salary to Sir John Johnson. Had no

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May 30,
Whitehall.June 1,
Treasury.July 8,
Quebec.

doubt the authority was given before or during Dorchester's government, and for services rendered by Sir John, who, in his (Clarke's) opinion, has still the fairest claim to the liberality of the Government.

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Fawkener to Sullivan. Report of the Privy Council on bills passed by the Legislature of Upper Canada. 327

Vansittart to Sullivan. Half-year's salary of £150 to be put in the estimates for the late Attorney General (White). 329

Hunter to Hobart (No. 37). Dispatches received; thanks for the appointment of Cochrane as one of the puisné judges. Sends an abstract of the Auditor's docket books of the grants of land which have passed the Seal, between 1st January and 31st December, 1802. 243

Enclosed. Abstract referred to. 245

ABSTRACT from the Auditor's Docket Books of Grants of Land in Upper Canada which have passed the Great Seal of the Province between the 1st of January and 31st of December, 1802.

Counties.	No. of Grants.	Districts.	No. of Acres.	Total No. of Grants.	Total No. of Acres Granted.						
Durham..... Northumberland..... York.....	96 194 227	} Home.	26,088 51,791 55,538	} 517	133,417						
Lincoln.....	307		Niagara.			65,337	307	65,337			
Glengarry..... Dundas..... Prescott..... Russell..... Stormont.....	116 59 56 43 79		} Eastern.			21,561 15,829 25,540 12,913 18,090	} 353	93,933			
Grenville..... Carleton..... Leeds.....	187 10 184	} Johnston.		48,613 2,584 41,929	} 381	93,126					
Essex..... Kent.....	46 92			} Western.					12,150 16,826½	} 138	28,976½
Middlesex..... Norfolk..... Oxford.....	39 157 84								} London.		
Frontenac..... Hastings..... Addington and Lennox.. Prince Edward.....	111 145 133 127	} Midland.		20,414 26,310 29,189 31,208	} 516	107,121					
Total.....				2,492			605,128½				

April 8th, 1803.

PETER RUSSELL,
Auditor General, U.C.

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his (Clarke's)
Government.
Page 325
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327
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have passed
243
245
nd in Upper
between the

Total
No. of Acres
Granted.

133,417

65,337

93,933

93,126

28,976½

83,218

107,121

605,128½

at, U.C.

1803.

July 20,
Quebec.

August 3,
Quebec.

August 4,
Quebec.

August 12,
London.

August 13,
Quebec.

August 17,
Quebec.

October 12,
York.

October 12,
York.

December 1,
London.

For 2,266 of the above grants the faith of Government was pledged previous to Lieut. General Hunter's administration. The remaining 226 grants have been authorized by Orders of Council subsequent thereto.

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Hunter to Hobart (No. 38). Has received circular ordering the detention of all ships or vessels belonging to the subjects of the French or Batavian Republics arriving in any port or harbour of any colony, &c.

247

Same to same (No. 39). Has received dispatch stating that owing to the state of discussion with France, the utmost vigilance is to be observed in Upper Canada. Had also received circular that the British Ambassador had withdrawn from France, and that this is to be made public. Had also received papers respecting the discussions. The utmost vigilance shall be observed. Movements of troops; the number in Canada not equal to the ordinary military duties.

248

Same to same (No. 40). He has appointed Rev. John Strachan to be resident minister of the Church of England at Cornwall, in room of Rev. James Sutherland Rudd, removed to a living in the Province of Quebec

251

Sir F. D'Ivernois to — (in French). The uneasiness of the Swiss going to Kentucky on learning that on their arrival they would probably find themselves in the midst of war. Thinks Shoemaker should go by Rotterdam to warn the others of this. If it appears sufficient to lead them to give up the settlement in Kentucky and to induce them to settle in Upper Canada, it is likely on account of sympathy for them these 80 families might have lands conceded to them gratuitously, might have transport facilitated to them, and be recommended to the protection of the Governor of Canada. If these considerations are of sufficient importance, the Swiss should send a person to London, who should apply to him (D'Ivernois) who would do his best to obtain him a good reception. A small sum should be granted for the expense of a mission. Asks that he may be authorized, in name of loan, to make an advance of £20, or at least £18, in which case he would send off that evening a messenger to ascend the Rhine, to meet the people from Basle to warn them.

330

Hunter to Hobart (No. 41). Sends requisition for goods for the Indians.

252

Enclosed. Requisition.

253

Same to same. Sends report on Fort Erie by Colonel Mann, and plan. The fort is completely in ruins, so that a new establishment is necessary. The cost, it is estimated, will be £9,649 3s. Halifax currency; all the works and buildings are intended to be of durable materials, so that annual repairs will be avoided. It is proposed to carry on the work gradually, as the case may require. Approves of Mann's proposals. Prescott was authorized in 1797 to erect works where required, Fort Erie being one of these. Why nothing was done to the latter is explained in the report.

257

Enclosed. Report by Mann, dated 1st August, 1803.

260

Plan.

265

Hunter to Hobart (No. 43). Acknowledges receipt of circulars respecting the recall of Liston from the Batavian Republic, the issue of letters of marque, &c.

266

Hunter to Sullivan. In the estimates for the civil government of Upper Canada is glad to see the £800 for building churches reinserted. Shall direct Russell, Receiver General, to draw for this amount, and shall have it distributed.

270

Viscount de Vaux to Hobart. Asks that the grant of land made to him in 1794 may be confirmed, &c.

333

1803.

December 3,
London.

Viscount de Vaux to Sullivan. Had learned that Hobart has no objection to renew the grant of land. Sends a second letter he had been desired to write on the subject. For further information refers to the Master of the Rolls.

Page 334

December 10,
York.

Hunter to Hobart (No. 44). Acknowledges receipt of directions to appropriate lands for the Earl of Selkirk in his (Hobart's) letter of 28th February. Calls attention to letters still unanswered.

272

December 10,
Downing
Street.

Hobart to Hunter (No. 19). Desires that a report be sent respecting the public uses to which Elmsley's house at York may be put, and to send an estimate of his park and town lots, in case the property may be advantageously purchased on account of Government.

274

December 28,
York.

Hunter to Hobart (No. 45). Has received a letter from Allcock for leave of absence for six months. Recommends that the request be granted.

275

January 9,
Downing
Street.

Enclosed. Copy of Allcock's application, dated 20th December. Hobart to Hunter (No. 20). Authorizes a change in the table of fees in the Land granting department. Cannot recommend an increase of Allcock's salary. Authorizes him (Hunter) to execute the works at Fort Erie, on the plan approved of by him.

277

278

March 4,
Downing
Street.

Same to same (No. 22). Allcock to have leave of absence for six months. The allowance of the £200 a year to Sir John Johnson discontinued in consequence of a change in the direction of the Indian Department is to be continued from December, 1800.

268

269

No date.

Letters, &c., relating to application for a grant of lands to the widow of White, late Attorney General of Upper Canada.

279

No date.

Statement of the claims of Lieut. Col. Johnson, son of Sir John, and grandson of Sir William, and asking for an appointment in the Indian Department of Upper Canada.

336, 338, 339

340

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LIEUT. GOV. PETER HUNTER—1804.

Q. 297.

1804.

January 9,
Downing
Street.February 11,
York.March 10,
Downing
Street.March 12,
York.April 7,
Downing
Street.April 10,
York.

Hobart to Hunter (No. 21). That an accurate return of every article of supply lodged in the public depots is to be made, with details. (A similar order sent to Milnes.)

Page 1

Hunter to Hobart (No. 46). The Legislature met on the 1st instant. Sends speech at the opening.

Enclosed. Speech.

Address in reply from the Legislative Council.

Answer.

Address in reply from the Assembly.

Answer.

Hobart to Hunter (No. 23; No. 22 of same date in Q. 296, p. 279). The Viscount de Vaux obtained a grant in 1794 in Upper Canada, but could not then take advantage of it. He has resumed the intention to settle and is to obtain a grant in accordance with his military rank for which this is authority.

Hunter to Hobart (No. 47). Shall attend to instructions to grant land to such of the family of Barclay, Consul General in the Eastern States of America, as intend to settle in Upper Canada.

Hobart to Hunter (No. 24). The disbanded soldiers of the Glengarry Fencibles have not been able to come to Canada in a body as they intended. Mr. Macdonell, one of the ministers of their church, desires to join his countrymen already settled in Glengarry; on arrival he is to get as favourable an allotment of land as the regulations shall permit.

Hunter to Hobart (No. 48). Sends an address to His Majesty from the Legislature for aid towards erecting proper buildings for the preservation of the public records, the assembling of the Legislative Council and Assembly, for the Courts of Justice and the transaction of other public business. An Act, to be submitted, charges £400 a year on the Provincial revenue for the erection of these buildings. The inadequacy of this sum and the slow progress that could be made, would defeat the objects aimed at. There is not a single building for any one public office. The different offices are held in the private houses of the officers filling the different situations and the Executive Council meets in a small room in the clerk's house, where their discussions may be overheard. The houses are all built of wood and afford slender security to the records; the public pays for rent £350 annually. The building appropriated for the meeting of the two Houses of the Legislature, for the Court of Appeal, Court of King's Bench, District Court and Quarter Sessions, consists of two rooms erected eight or nine years ago as part of one intended for a Government House. The building is also used for a church. Its great disadvantages. The grant of £400 annually, although small, is as much as the Provincial revenues would admit of being appropriated to the purpose. The address was brought forward in consequence of the liberal aid afforded to Lower Canada, to enable the people to erect Courts of Justice in Quebec and Montreal and a church at Quebec. No estimate has yet been made of the expense of erecting these buildings. Shall obtain an estimate from Mann and forward it. For a church the inhabitants of York have subscribed liberally and are about to build one this summer. The Legislature prorogued on the 9th of March. Sends copy of his speech.

Enclosed. Address from the Legislative Council and Assembly to the King.

The same to Hunter.

Answer by Hunter that he will forward the address.

1804.

April 25,
York.

Speech on prorogation. Page 29
 Hunter to Hobart (No. 49). Sends copies of eleven Acts passed during the last session, with remarks. 31
Enclosed. Journal of the Legislative Council. 31
 Journal of Assembly (title only given, the journal being already among the Archives). 43
 Camden to Hunter (No. 1). Dispatches to Hobart laid before the King. Sends duplicates of Hobart's letters which had not reached. 144

June 7,
Downing
Street.

LIEUT. GOV. PETER HUNTER—1804.

Q. 298—1 and 2.

1804.

May 16,
York.

Hunter to Hobart (No. 50). Recommends Mr. Scott, Attorney General, to be an honorary member of the Executive Council, owing to the absence of several of the Councillors. 2

May 20,
York.

Same to same (No. 51). Sends minutes of the Executive Council on matters of State from 2nd July, 1802, to 28th January, 1804, and on land business from 5th January, 1802, to 27th December, 1803. 4

Enclosed. Minutes, 2nd July, 1802. Public accounts examined. 5

Minutes, 6th July. Report on the fees to be allowed on leases of Crown and Clergy Reserves. 8

Minutes, 7th July. Reference from the Lieut. Governor respecting fees to be charged on land grants to loyalists. 11

Report on the same. 13

Minutes, 10th July. Correspondence respecting the report on fees to loyalists. 16

Agreement dated 11th July, signed by Peter Russell, Auditor General, D. W. Smith, Surveyor General, Thomas Scott, Attorney General and John Small, Clerk of Executive Council, waiving all pretensions to fees for additional quantities to loyalists. 25

Minutes, 16th July. Reference of letter from the Secretary, Jarvis, respecting fees. 25

Decision of the Council thereon. 27

Minutes, 19th July. Intimation by the Lieut. Governor that he is proceeding to Quebec, that the standing committee of Council shall resume its powers, with the exception that John McGill, instead of being called on occasionally is to form part of the standing committee. 28

Minutes, 31st August. Order that certain proclamations are to be published. 29

Minutes, 14th October. Alcock, Chief Justice, took the oaths and his seat. 30

Minutes, 26th October. Letter from the merchants of Sandwich respecting the port of entry at Fort Erie, and praying that there should be a port of entry at Chippawa, calling attention also to various points in connection with the collection of duties, &c. 31

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Memorial from Johnstown for a port of entry at the mouth of the Gananoque River. 35

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Reports respecting half fees on land patents. 38

Minutes, 10th November. Application from the Government printer, for an addition to schedule prices. The Council recommends the addition of one-third. 42

Notice that persons claiming a right to Grand Isle shall be sued for its recovery. 43

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Notice that no leases granted by Indians shall be admitted or allowed.

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Minutes, 17th November. Application for Government still at Gibraltar Point, report and recommendation. 45

Minutes, 29th November. Statement by the Attorney General of the difficulty of issuing flats for lands in consequence of the imperfect description of the grantees. 47

Report by Council on the same. 49

Minutes, 7th December. Application for a market to be established in York. 51

Report of Council that a weekly market should be established to be held on Saturday. 52

Minutes, 21st December. The Council recommend that a bridge should be built over the Don for a sum not exceeding £77 10s. currency. 53

Minutes, 30th December. Application by the Attorney General, that the same fees should be allowed to him as to the Attorney General in Lower Canada. 55

Report recommending that the application be granted. 58

Minutes, 4th January, 1803. Account for posting proclamations recommended to be paid. 59

Examination of public accounts. 60

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Minutes, 12th January. Consideration of the half fee accounts. 68

Minutes, 15th January. Audit of public accounts. 68

Minutes, 17th January. Reference by the Lieut. Governor of a letter from the officers of the land granting department. 69

Report on the same. 70

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1. Respecting fees on Arnold's grant of 13,400 acres; and

2. Respecting the proposed leases for Crown and Clergy Reserves which are approved of. 76, 77

Minutes, 10th February. Andrew Mercer took the oath as junior clerk in the Council Office. 78

Minutes, 13th June. Reference to the Council of correspondence respecting the granting of lands to U. E. loyalists. 79

Minutes, 15th June. Examination of public accounts from 1st January to 30th June, 1803. 84

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A.—Abbot, Joseph; Alexander, Hugh; Algire, Jacob, jun.; Allan, John, Jonathan; Aman, John, Jacob; Amery, John; Anderson, George, James, John, Joseph, Richard, Thomas G.; Appleby, William; Asselstine, Isaac.

R.—Badderly, Michael; Baker, Adam, jun., John; Burton, John; Barton, Joseph; Basteder, David; Beardsley, Crammel B.; Bell, William; Bender, Tunis; Benson, Cornelius; Benth, John; Berton, David; Bird, Thomas, jun.; Birdsall, Jeremiah; Blakely, Margaret, *alias* Flynn; Blanchard, William; Boice, John; Booth, Charles, Isaac, Phebe, Samuel, Vincent; Boss, Elizabeth; Bowen, son of William Victor; Brannan, William; Brants, Henry; Brewer, Lazarus; Birscoe, Nathan; Brown, Edward, Jesse, jun., Nathaniel; Bruce, David, Margaret, Margaret, jun., Sally, William; Buck, Mehitable; Buel, Jonathan; Bull, Berer or Briar; Burch, Martha; Burges, Dennis; Burley, John; Burritt, Daniel; Bush, Henry; Butler, Freeloove, jun.

C.—Cadman, Alphus; Cain, John; Campbell, Alexander, jun., Elizabeth, Hugh, William; Cameron, Alexander, jun., Donald, Hugh, Jacob, John, John, jun., (3) William; Carman, Michael; Carr, David, jun., Josiah, jun.; Cashin, John; Casselman, Suffrenus, jun.; Chambers, James; Chisholm, Alexander, Archibald, Lewis; Christie, Abijah, John, jun.; Church, Oliver, jun.; Clandennan, Abraham, John, —; Clark, Matthew; Cline, George, John; Coghill, George, jun.; Cole, Bernard; Collins, John; Conlon, Michael; Cook, Michael; Corben, Daniel; Colter, James, jun.; Countryman, Conrodt, Jacob, jun.; Cox, Samuel; Crippen, Darius; Crowder, William C., jun.; Cruickshank, Widow; Cryderman, Widow, Catherine, Hermanus, Joseph; Cryslar, John, jun.; Cummings, Mrs. Jane; Curry, George, John, *alias* Picard, M.

D.—Danley, Christopher; Davis, Henry, Isaac, Richard; Decon, Jacob; Deforest, Rebecca; Denault, Joachim; Detlor, John, Samuel; Diamond, Jacob, jun.; Dickson, Francis; Dies, Matthew, jun.; Disman, Timothy; Dixon, Robert, jun.; Donahore, John; Dougall, William; Dulmage, Elias, Philip; Dunn, James, jun.; Dulyea, Peter, jun.; Duynes, Martin.

E.—Elliott, Jacob; Emery, William, jun.; Empey, William, jun.

F.—Fairfield, Jonathan, Stephen, William; Falkner, Joseph; Farlinger, John, jun., Nicholas; Farrington, Samuel; Fearman, John; Ferguson, Alexander, jun., Peter, Rozel; Ferrier, John; Finch, James; Finney, George; Fisher, Daniel; Fitzpatrick, William; Flynn, John; Fortune, Joseph; Francis, Mrs. Catherine; Franklin, Joseph, jun.; Fraser, Angus, Daniel, John, *alias* McNeal, Mary, Thomas, William, jun.; Freke, Everhart; French, Albert; Frey, Philip; Fulford, Jonathan, jun.

G.—Gilchrist, Archibald; Graham, John, *alias* McDonell, Isabella, Murdoch; Grant, Alexander (2), Donald, jun., Duncan (2), James, John, Lewis, Peter (3), William; Grass, now Wartman, Eve, John, Lewis, Mary; Grunep, or Gulep, —; Grey, John.

H.—Hamblin, Francis; Harrison, Benjamin; Hardy, John; Hare, Barney, William; Harlow, William; Harris, David; Haskins, David, Nicholas; Hatt, Samuel; Havens, Robert; Havoiland, Herman, jun.; Hawley, Davis, Russell, Sheldon; Henderson, David; Herchmer, *alias* Markland, Catherine, *alias* Anderson, Jane, Jacob, Joseph, Lawrence, Nicholas, *alias* Hamilton, Mary; Hesse, Andrew; Hewitt, Jacob; Hicks, Daniel, David, Joseph; Hill, John, jun.; Hiltz, Joseph; Hoffman, Elias, Jacob; Hoyle, Boston, James; Hoskins, Leda; Hoyer, Jacob, Henry;

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L.—Lake, John, jun.; Law, Mrs. Elizabeth; Leaky, William, jun.; Livingston, John, *alias* Muchmore, Mary, Neal; Lockwood, David; Loeny, Edward, Samuel, William; Lorimer, Chevallier; Lovell, John; Lucas, George.

Mc.—McBane, Richard, John; McCaulay, Ann; McCuin, David jun.; McDonell, Alexander (2), Capt. Allen, Allen (2), Angus (2), Duncan, James, John (2), Lieut. Ranald, Ensign Ranald, Roderick, William; McGilles, Donald, jun., Duncan; McGloghlin, David, Robert; McGregor, Hugh; McGruer, Alexander; McIntosh, Benjamin, Donald, John (2), Lauchlin; McIntire, Duncan, jun., Jesse; McKay, John, William; McKenzie, Collin, jun., John; McKimm, James, jun.; McLean, Donald, jun., John, William; McLeland, John, jun.; McLeod, William; McNeal, John; McNeil, Archibald; McRobert, Mary.

M.—Maine, Thomas, sen., Thomas, jun.; Mallory, Nathaniel; Marsh, Jeremiah, William, jun.; Mattice, John; Meddough, John, jun.; Merele, Jacob, jun.; Myers, George W.; Millard, Corporal Daniel, Jesse; Miller, Jebida or Jebul; Millross, John, Thomas, William; Mitchell, George, Harvey, Zalmion; Moor, Dudley; Most, John; Mott, Edmund; Munro, Henry, John; Murchison, William; Murdoff, George, jun., John; Murray, Lieut. Duncan, Quartermaster John.

N.—North, Thomas.

O.—O'Brien, John; Ogden, John, Orser, Arthur, Gilbert, Isaac, Solomon; Otto, Gotlep; Overholt, Mrs. Elizabeth.

P.—Palmer, David, John; Parish, William; Parks, Nathan, jun.; Parlow, John; Puttingae, Jacob; Pell, Jonathan, Joseph; Pennock, Philemon; Perry, Robert, jun., William, jun.; Phifer, Frederick; Phillips, now Merritt, Mary; Plato, Peter; Powley, Jacob; Prescod or Prescott, John, jun.; Proctor, Joseph; Prunner, or Brunner, Peter, jun.; Putman, Cornelius; Purdy, Gilbert.

R.—Ramburgh, David; Reddick, Adam; Reddie, Philip; Reide, Moses; Richard, John, jun.; Richardson, Henry, Thomas; Rimmerman, Henry; Richner, Henry (2), Robertson, James; Robins, William; Roblin, Owen P., Owen, jun.; Rose, David, Samuel; Ross, Alexander, Donald, George, Rossell, Rosewell.

S.—Sacheverell, Mrs. Jane; Saunders, Henry; Saunderson, Thomas; Secord, Peter, jun.; Shaver, William; Sheek, David; Shehan, Lieut. Walter Buller; Shew, Ezekial, jun.; Shoeman, Martin; Shorey, David, sen., David, jun., Rufus; Shutler, Andrew; Sills, George, John, Lawrence; Silmesmer, Nicholas; Simmon, David; Simmons, Caleb; Simpson, John, Obadiah; Slack, Joseph; Slonter, Cornelius; Slusenburgh, Henry, or Schlusenburgh, Henrick; Smith, Henry, James, John, jun., Peter (2), Terence, Thomas, Thomas Yonge; Sowils, or Soles, John, William, sen.; Spencer, John (2); Stacey, John; Stamp, Giles; Stark, James; Starks, Jacob; Steward, John, Thomas; Stewart, George, Gilbert, Henry; Stinson, John, jun.; Storey, Solomon; Storms, Henry, Jacob; Strents, Peter; Summers, David; Swazee, Caleb, Richard, Samuel.

T.—Taylor, William, jun.; Thompson, John, Robert; Thresser, Laddock; Throop, Daniel; Tillibough, Christian, jun., Peter; Tuttle, Jonathan.

V.—Valentine (Widow C.); Vanalstine, Alexander, Cornelius, Isaac; Vanderlip, Elizabeth, Mary; Vanduser, Caspems or Gasper; Vent, Mary.

1804.

mas; Huffman,
Margaret; Jones,
alsoy), William;
Michael; Kilburn,
William, jun.;
Dekwood, David;
Lovell, John;

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us (2), Duncan,
rick, William;
bert; McGregor,
nald, John (2),
n, William; Mc-
cLean, Donald,
William; McNeal,

thaniel; Marsh,
n, jun.; Merele,
n, Jesse; Miller,
itchell, George,
mund; Munro,
John; Murray,

Gilbert, Isaac,

, Nathan, jun.;
eph; Pennock,
erick; Phillips,
od or Prescott,
jun.; Putman,

; Reide, Moses;
erman, Henry;
; Roblin, Owen
Donald, George,

erson, Thomas;
Shehan, Lieut.
Shorey, David,
e, John, Law-
aleb; Simpson,
burgh, Henry,
hn, jun., Peter
John, William,
Stark, James;
Gilbert, Henry;
acob; Strents,

Thresser, Lad-
attle, Jonathan.
rnelius, Isaac;
; Vent, Mary.

W.—Waggoner, Henry, Jacob, jun.; Walker, Daniel; Weiden, William; Walliser, Anthony, jun.; Warner, George Michael, jun.; Welch, William; West, John, jun.; White, Joseph, jun.; Whitsell, Nicholas; Wilcocks, Hagud or Hagard; Williams, Elijah, James, John, jun., Rachael; Wing, Gersham; Wintermute, Mary; Wood, Jonas, Nathan, Roger, William; Woodcock, John; Wright, Asel, David, Daniel, James, Samuel, jun., Sylvester, William.

Y.—Young, George, Henry, jun. (2), John, jun., Peter, jun.

LIEUT. GOV. PETER HUNTER AND MISCELLANEOUS.—1804.

Q. 299.

W. Johnson, Lt. Colonel, 28th Regiment, to Hobart. That he had been promised an answer in six months, relative to his application for employment in Canada, and that the Governor should be written to on the subject. His father, Sir John Johnson, had written that the Governor had not heard of his application. The sacrifices made by his family. He himself had for eleven years attended to his duty in the army to the neglect of his private affairs. He now desires to return to Canada and trusts to be appointed to a situation under Government. Orders to pay Sir John Johnson the £200 a year stopped for three years; orders to continue the payment stated to have been sent, but he had not received payment. Sends extract from a letter of his father's respecting his services.

D. W. Smith to Sullivan. That the bill he had drawn for his half-year's salary had not been accepted, as the agent desired to have an additional authority for the payment, believing that the first order only applied to the salary then due. Asks that the necessary order be sent. Would have applied personally, but the state of his health prevents his doing so.

Camden to Hunter (No. 7). Dispatches received. Shall be able to send instructions on several points, when Allcock returns to Upper Canada. Is concerned at the loss of Cochran, Gray and others on Lake Ontario.

Vicomte de Vaux to Sullivan. Thanks for the confirmation of his grant; intends to sail on the 29th of April, and asks for letters of recommendation, that he may obtain the same assistance as that granted to De Puisaye. Encloses a memorial to Lord Hobart, and asks that a favourable answer be obtained.

Enclosed. Memorial of same date.

Rev. Alexander Macdonell to Sullivan. In accordance with the desire that the Scotch Catholics in Canada should be under the spiritual direction of pastors selected from their own countrymen and educated in Great Britain, he is ready to sail by the first vessel from the Clyde to Quebec or Montreal, and only waits for letters to Governor Hunter. Should the expense of a schoolmaster be defrayed, he could bring a qualified person for that important charge. Shall leave the question of assistance to build a house and other indulgences to himself (Sullivan) and to the favourable reports of Hunter.

D. W. Smith to Sullivan. Sends additional certificates of the state of his health, which, with documents previously sent, he requests may be submitted to Hobart.

Enclosed. Copies of certificates from Major Hill, Captain Pilkington and A. Auldjo.

John Sargent to Sullivan. Desires Hobart's opinion on application by Vicomte de Vaux for assistance to enable him to go to Canada.

R

1804.
January 2,
Fermoy.

January 12,
Taggard.

February 16,
Downing
Street.

March 28,
London.

March —,
Edinburgh.

April 14,
London.

April 21,
Treasury.

1804.
April 30,
London.
- Duke of Kent to Sullivan. Encloses memorial from Davidson and Walker, surgeons, for payment of the arrears due to them of salary which had been reduced on the disbandment of the Royal Canadian Volunteers. Payment is recommended to be made from the military chest by Lieut. General Hunter. Page 195
- Enclosed. Memorial from James Walker and James Davidson, surgeons, 196
- Letter to Walker that he had been appointed, dated 11th May, 1795. 200
- Order as to the method of accounting, dated 21st January, 1799, addressed to Taylor, paymaster of the late 2nd battalion R. C. V. 202
- Letter from the War Office to Davidson, dated 4th January, 1803, that the R. C. V. do not belong to the military establishment within the cognizance of the department. 204
- Substance of Windham's letter of 6th July, 1797, respecting the pay and allowance of surgeons. 205
- James Davidson to the Secretary at War, dated 31st December, 1802, respecting his pay and asking for payment of the arrears. 206
- Certificate by Taylor, paymaster of the late 2nd battalion R. C. V., of the payment of subsistence to Davidson, surgeon. 208
- D. W. Smith to Sullivan. His gratitude for the kindness shown him; shall continue the exercise of the sentiments which have been the rule of his conduct, &c. 180
- Sargent to same. That D. W. Smith has been allowed to resign his office of Surveyor General and is to receive £200 per annum from the date of resignation. 211
- Memorial of the Misses Clarke, daughters of the late Major John Clarke, praying for land in Canada; their destitute condition since the death of their mother, when her pension ceased. 213
- Misses Clarke to Sullivan. Transmitting memorial for land and asking for his influence. 215
- Mrs. White, widow of the Attorney General, stating that the land granted to her and her family can neither be let nor sold, and praying that an allowance, annual or otherwise, be made commensurate to the ultimate value of the land. 209
- Lord Moira to Camden. Introduces Norton, a chief of the Six Nation Indians, and encloses letter of recommendation in favour of Norton, written by Joseph Brant. 216
- Enclosed. Brant to Lord Moira, dated Niagara, 20th February, 1804, introducing Norton. 217
- Memorial on behalf of the Six Nations to have the transfer of lands settled, so that they may obtain the benefit. 218
- Another memorial to have the grant by Haldimand confirmed in its full extent. 226
- Hunter to Hobart (No. 52). In reference to the application of Elmsley praying that his house be purchased on account of Government, shall defer reporting on that, and also to have his park and town lots at York valued, until he have the assistance of Capt. Nicholls, of the Royal Engineers, now at the Island of St. Joseph. 2
- Same to Sullivan. Acknowledging receipt of King's speech and addresses in reply. 8
- Same to Hobart (No. 53). Has given directions respecting the alteration of land fees, as ordered in letter No. 20 of the 9th January. That no expense, beyond what is absolutely required, shall be incurred on account of works at Fort Erie. Transmits abstract of grants of land between 1st January and 31st December, 1803. 4
- May 7,
London.
- May 12,
Treasury.
- May 14,
Bath.
- May 15,
Bath.
- May —.
- June 2,
Edinburgh.
- June 4,
Quebec.
- June 5,
Quebec.
- June 6,
Quebec.

1804.

ABSTRACT from the Auditor's Docket Books of grants of Land in Upper Canada which have passed the great Seal of the Province between the 1st of January and 31st of December, 1803.

Counties.	Number of Grants.	Districts.	Number of Acres.	Total Number of Grants.	Total Number of Acres Granted.
York.....	214	Home.	47,339½	214	47,339½
Durham.....	28	} Newcastle.	6,053	90	20,382
Northumberland.....	62		14,329		
Lincoln.....	147	Niagara.	32,771	147	32,771
Glengarry.....	142	} Eastern.	25,604	427	92,860
Dundas.....	114		29,269		
Prescott.....	25		10,650		
Russell.....	42		11,550		
Stormont.....	104		15,787		
Grenville.....	248	} Johnston.	55,185	470	100,743
Carleton.....	7		2,800		
Leeds.....	215		42,758		
Essex.....	58	} Western.	12,658	109	27,460
Kent.....	51		14,802		
Middlesex.....	6	} London.	1,300	86	35,955
Norfolk.....	35		10,192		
Oxford.....	45		24,463		
Frontenac.....	104	} Midland.	15,619	422	80,558
Hastings.....	40		13,500		
Addington and Lennox.....	171		30,288		
Prince Edward.....	107		21,151		
Total..				1,965	438,068½

For 1,673 of the above grants the faith of Government was pledged previous to the commencement of Lieut. General Hunter's administration. The remaining 292 grants have been authorized under Orders of Council subsequent thereto.

PETER RUSSELL,
Auditor General, U.C.

Hunter to Hobart (No. 54). Has given orders to prepare a list of every article of supply in the public depots; it will require considerable time before the accounts can be collected. Sends general information in the meantime and sends list of demands made for the year 1804, which show the nature of the stores.

Page 9

June 12,
Quebec.

1804.

	<i>Enclosed.</i> Demand of stores for the several military departments, namely:	
	Engineers.	Page 14
	Marine.	19
	Bateau service.	22
	Return of clothing, &c., for the Canadian Militia, imported in 1796.	25
	Return of clothing, &c., for the battalions of Royal Canadian Volunteers, imported in 1802.	27
	Remains of Hospital stores of those imported in 1797.	31
	Return of sea bedding.	36
	Return of hospital bedding, dresses, &c., received 2nd November, 1803.	37
	Return of medicine, &c., received same date.	38
	Estimate of provisions to victual 3,500 men in Canada, from 25th April, 1803, to 1st October, 1805.	43
June 13, London.	DeVaux to Cooke. Asks that the quantity of land he is to receive be settled and that he be furnished with a letter to Hunter stating definitely the quantity he is to obtain and the other conditions.	228
June 13, London.	Same to Camden. On the same subject.	230
June 18, Quebec.	Hunter to Hobart (No. 55). Acknowledging receipt of dispatch authorizing leave of absence to Allcock and payment of the additional allowance of £200 a year to Sir John Johnson, to be continued to him from 24th December, 1800. Since the change in the direction of the Indian Department, no authority could be found to pay this £200 additional. It has now been ordered.	45
June 19, Quebec.	Same to same (No. 56). Dispatch (No. 23) of 10th March received, authorizing a grant to the Vicomte De Vaux of land in Upper Canada. Has not yet received information of the naturalization of the French emigrants who came with De Puisaye, so that he is unable to issue patents for their lands. The regulations for granting lands do not extend to a rank beyond that of field officer; must, therefore, ask special instructions in the case of Vicomte de Vaux.	47
June 20, Quebec.	Same to same (No. 57). Had received dispatch that the Glengarry Fencibles had been prevented by circumstances from coming to settle in a body in Canada, but that Mr. Macdonell, a minister of their church, was desirous to join his countrymen already settled in the district of Glengarry. Shall pay Mr. Macdonell every attention. Regrets that the Fencibles are not coming; their good conduct whilst serving under him in Ireland in 1798.	49
July 2, London.	Alexander Davison to King. Asks him to give Norton what assistance he conveniently can in respect to the land the Six Nations occupy.	225
July 18, Quebec.	Hunter to Hobart (No. 58). Sends requisition for goods to supply stores with presents for the Indians.	56
July 25, Quebec.	<i>Enclosed.</i> Requisition.	57
	Hunter to Hobart (No. 59). Transmits letter from Mann, respecting the sum that will be required for the erection of public buildings; the estimated amount is £15,120 sterling. Should the measure be approved no more would be required yearly than would be necessary for the payment of work actually performed.	61
	<i>Enclosed.</i> Mann to Green, Military Secretary, dated 16th July. Gives a general outline of what would be required in the public buildings proposed, with the probable cost.	63
June 26, London.	Hugh McDonell to Cooke. States his services with the Royal Canadian Volunteers and asks that the pay withheld from him as Adjutant General of Militia be paid up till the time of Hunter's arrival to take command.	231

Departments,

Page 14

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November,

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1804.

August 2,
Downing
Street.August 7,
Quebec.August 10,
Quebec.

Simcoe to Hobart, dated Wolford Lodge, 1st May. Respecting the services of McDonell, the arrangements for pay, &c. Page 234

Camden to Hunter (No. 3). Dispatches received. An estimate of the expense of erecting public buildings must be sent before any determination can be come to respecting the aid asked for. Has transmitted recommendation that Scott be appointed an honorary member of the Council. Expects to receive detailed account of the public stores in Canada. Is not informed of the quantity of land granted to De Puisaye on his arrival in Canada, but a like extent is to be granted to Vicomte de Vaux. To enable the French emigrants to obtain patents is it proposed that he (Hunter) should be authorized to grant letters of denization should that be judged sufficient. Authorizes him to pay Captain Hugh McDonell the sum of five shillings a day from the 1st of June, 1795, to the date of his (Hunter's) arrival in 1799, when McDonell ceased to be Adjutant General. Sends copy of representation by Norton on behalf of the Six Nations, respecting which he is to transmit the fullest possible information. 51

Hunter to Hobart (No. 60). Transmits reports and plans prepared by Mann, namely:

1. Report on the situation and circumstances of the military post of St. John's, on the River Chambly, in Lower Canada, with a proposal to construct a new fort and the necessary buildings; plan to accompany the same.

2. Report on the defences of the city of Quebec, the present state of the fortifications and an explanation of the new works and alterations proposed, with four papers of plans and sections. Remarks on the report. The ruinous state of St. John's; the estimate of the expense there is £20,233 sterling, but only such proportion would be called for as would be required during the year. Strongly recommends that Mann's proposals with respect to Quebec should be carried out, as he entirely agrees with the statements made. The object cannot be obtained at less expense than the estimate of £86,485 sterling, for reasons given. Strongly recommends that Mann be employed to carry the work into execution, as his experience and qualifications render him the most eligible. 67

Enclosed. Letter from Mann, 1st July, respecting the fortifications at St. John's, giving details and referring to previous reports. 72

Plan of works at St. John's. 81a

Plan of the town and fortifications of Montreal (1802). 81b

Report on the defences of Quebec, the present state of the fortifications, &c. 82 to 105

Opinion of the Attorney General respecting the ground lying contiguous to the fortifications of Quebec, dated 1st August, 1804. 107

Hunter to Hobart (No. 61). Sends reports by the commanding Engineer relative to reserves for military purposes necessary at Montreal, and on the lands and buildings at Quebec and vicinity belonging to the late Order of the Jesuits necessary for the same purposes. Agrees with the report and ordered copies to be sent to Sir Robert Shore Milnes to carry out the necessary steps, but as a considerable time has elapsed thinks it desirable to bring the business before His Lordship, to have directions issued on the subject, so that the ground round the Jesuit College, now used as a barrack, may be appropriated for a parade ground. 111

Enclosed. Report by Mann, dated 11th November, 1802, respecting the removal of the walls, &c., round Montreal and the reserves that are required. (For plan see p. 81b.) 114

Report by Mann, dated 15th January, 1800, respecting the Jesuit estates and what portions should be reserved for military purposes. 119

R

1801.
August 18. Order-in-Council appointing Thomas Scott, Attorney General of Upper Canada, to be an honorary member of the Executive Council. Page 321
- August 22, DeVaux to Camden. Further respecting the grant of land, which he cannot go to secure without assistance, and asks that in the letter to Hunter there may be added to the expression in Hobart's letter, the words: "or to any person coming from his part and in his name." He could thus obtain an advance on the land. 323
- September 2, Hunter to same (No. 1). Has received circular that the seals of the Colonial Department have been placed in His Lordship's hands. 123
- September 3, Same to same (No. 2). Dispatches received, among which is one intimating that the Acts passed at the last meeting of the Legislature had been submitted to the King in Council and that they did not appear to be liable to any objection. 124
- September 5, Norton to Cooke. That as there is the appearance of an invasion, will remain till the advanced season might render it impossible. Asks that he may be supplied with duplicate of letter written to him that he may transmit it to Canada. Calls attention to the promise of an allowance. 325
- September 6, Camden to Hunter (No. 4). That eleven Acts passed by the Legislature of Upper Canada had been submitted to Council and that no objections were found to them. 125
- September 10, Norton to Cooke. Had received answer to his letter, the chief subject of which was in reference to the few words about an allowance. His reason for remaining was to offer his services in event of war. The object of his crossing the sea was to secure the Six Nations in the peaceable enjoyment of their property and to bind anew the links of friendship. It is reasonable to suppose that before he shall return he should like to know how far the desired end had been accomplished. 326
- September 12, Hunter to Camden (No. 3). Encloses report of the Executive Council on the proposed alteration of fees in the land granting department, and a complete table of the fees, &c. 128
- Enclosed. Extract of a letter from Hobart to Hunter on the subject of fees, dated 9th January, 1804. 130
- Report of the Executive Council on the same subject, dated 6th July, 1804. 131
- Tables of fees. 135 to 139
- September 15, Hunter to Camden (No. 4). Refers to correspondence in 1801 and 1802, respecting the establishment of a Court of Chancery, which was disapproved of. Subsequent letters not answered; refers to Allcock, who is going to London, for information on the subject. The necessity for the establishment of a Court of Chancery has greatly increased since the date of the first letter to the Duke of Portland. Sends also report on Indian lands which the administrator (Russell) had agreed to sell previous to his (Hunter's) arrival in the country. 140
- Enclosed. Report of Executive Council, 24th June, 1803, on Indian lands. 144 to 163
- September 18, Norton to Camden. Had he foreseen the obstacle raised by the want of the deed of grant to the lands on the Grand River, he could have brought a certified copy from the Secretary of Upper Canada. Has been informed that orders have been sent to redress all the injury done to the Mohawks, but he had seen previous orders to the same effect not attended to. He, therefore, feels reluctant to leave until he knows precisely how far he has been successful. Desires to have the grant made by Haldimand confirmed, or to order the Administration of Upper Canada to give a legal deed in conformity to the full intent and meaning of the brief granted issued by Haldimand. If not, then it must be supposed that the liberality of Governor Haldimand was thought improper.

1804.

General of
Council.Page 321
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improper.September 20,
York.

The Six Nations hope that this is not the sentiment that prevails. Further to the same effect.

Hunter to Camden. Introduces Chief Justice Allcock; his services. Recommends that the augmentation of his salary asked for should be granted. 164

Enclosed. Copy of letter from Hunter to Hobart, dated 20th May, 1803, respecting the services of Allcock. 166

Copy of letter, Allcock to Hunter, dated 14th May, 1803, respecting an increase to his salary. 168

September 30,
Battle.

Prescott to Cooke. Respecting Elliott's dismissal, which took place seven years ago. He shall look up the papers relating to it and bring them to Downing Street by the 5th of October. 342

September --,
London.

Norton to the Privy Council. Statement of the case for the Six Nation Indians. 329

October 2,
Treasury.

Sturges Bourne to Cooke. Sends letter from Hunter, with requisitions to be submitted to Camden. 329

Enclosed. Demand for stores : 343

Engineer's Department. 345

Marine Department. 351

Barrack Department. 355

Military Secretary's Office. 557

Inspector General's Office. 358

Storekeeper General. 359

Engineer's Department. 360

Drawing Room. 361

Commanding Officers. 362

Town Majors. 362

Deputy Quartermaster General. 363

Commissary of Accounts. 363

Commissary General. 364

Deputy Paymaster General. 366

Receiver General, U.C. 366

Surveyor General, U.C. 367

Indian Department, U.C. 368

Deputy Barrackmaster General. 369

October 4,
Downing
Street.

Camden to Hunter (No. 5). Requisition for the supply of goods for presents to the Indians transmitted to the Treasury. Shall communicate with the same respecting the public buildings for Upper Canada 66

October 6,
York.

Hunter to Cooke. Had received letter intimating that the House of Commons had voted £8,050 for the civil establishment of Upper Canada. 171

October --.

Mathew Elliott to Camden. Enclosing certificates from Sir John Johnson, which he asks may be put with other papers. 240

Enclosed. Certificates and correspondence respecting Elliott's services, his disputes with McLean commanding at Amherstburg, &c. 241 to 320

November 6,
Horse
Guards.

J. W. Gordon to Cooke. Transmits letter from Lieut. Gen. Morse covering one from Major General Mann, recommended to the favourable consideration of Camden. 372

Enclosed. Morse to Gordon, with Mann's letter. 373

Mann to Morse, 3rd November. For the pay of a Brigadier General from the time Major General ceased to receive it (24th December, 1801), to the time that he (Mann) left Canada on the 20th of August, 1804. 374

November 6,
London.

Vicomte de Vaux to Camden. Respecting the grant promised to him; the loss he had sustained in consequence. Repeats his request to receive the same allowances as those granted to De Puisaye. 401

1804.

Enclosed. Extract from a letter (in French) received from a proprietor, pointing out the difficulties in the way of settlement, &c.

- Page 407
- November 8, Isle of Wight. Memorial of John Cockburn, on behalf of his brother and himself, for a grant of land in the Bay of Chaleurs. 386
- November 12, York. Hunter to Camden (No. 5). Judge Cochran, Gray, Solicitor General and others, about 20 in all including the crew, sailed in H. M. Schooner "Speedy" on the 7th October and have not since been heard of. There is no doubt they all perished on Lake Ontario, but no one survived to tell how. Requests that a suitable person be sent to fill the office of judge, and it is desirable that that be done as speedily as possible. Allcock, the Chief Justice, will be in London when this arrives, and is well qualified to give the information required on this subject. 172
- November 14, Horse Guards. Gordon to Cooke. Transmits letter from Lieut. General Hunter respecting Mann and also Mann's memorial. 378
- Enclosed.* Hunter to Colonel Clinton, dated Quebec, 10th August, 1804. Respecting Mann's services, &c. 379
- Mann's memorial to the Duke of York, dated Quebec, 9th August, 1804, for the pay of Brigadier General on the staff of Canada. 382
- November 15, Downing Street. Cooke to Gordon. In accordance with memorial, reports, &c., instructions will be given to issue to Major General Mann the pay of a Brigadier General on the staff of Canada from the period Major General Burton ceased to receive his staff appointments in that command. 376
- November 29, Bath. Misses Clarke to Camden. State their distressing situation and pray for a grant of land to relieve them from their necessitous condition. 392
- December 6, Downing Street. Camden to Hunter (No. 6). Dispatches 49 and 51 received. The Acts transmitted have been referred to the Lords of Trade. The pay of a Brigadier General on the staff to be issued to Major General Mann, from the time Major General Burton ceased to draw staff pay. Transmits memorial for lands from P. Cockburn on behalf of himself and brother residing in the Bay of Chaleurs. 54
- December 15, Bath. Misses Clarke to Camden. Thanks for his kindness; they repeat their request for a grant of land. 396
- November 18, London. Vicomte de Vaux to Camden (in French). Sends a proof of his literary labours; explains the use of his cosmographic columns, which will be of service to navigators as well as to all students. Would be happy to receive an answer to previous memorials. 399

LIEUT. GOV. PETER HUNTER—1805.

Q. 300.

- 1805.
- January 5, York. Hunter to Camden (No. 7). Dispatch received, stating that no objection had been found to the Acts passed at last session. 1
- January 15, York. Same to same (No. 8). Dispatches received. Of the two sent by him (Hunter) not received, one (49) contained copies of Acts, &c., and the other (51) contained minutes of the Executive Council; both were put on board H.M.S. "Eurydice." Sends returns of public stores, &c., as required. Remarks on lands granted to De Puisaye, allowances, &c. On the arrival of De Vaux he will receive the same quantity of land as that allotted to De Puisaye, which would be 1,000 acres to himself and 50 acres to each of his family. Order issued to Hugh McDonnell's agent for a warrant for one dollar a day from 1st June, 1795, to 2nd August, 1799. The reasons for not paying him will appear from statement of John McGill, Inspector of the Provincial accounts. 2
- Enclosed.* General return of Ordnance, &c., in the garrison of Quebec. 9 to 55

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9 to 55

1805.

Remains of stores at York, shipped at London in 1792 and 1894.

Return of stores in charge of McGill, shipped from London for loyalists in 1792, and forwarded from Kingston to York in May, 1803.

Return of stores issued to persons at York who are to return or pay for them.

Extract of letter from Hunter to Portland, 2nd September, 1801, with list of quantities of lands to be granted to officers, privates, &c., with De Puisaye.

Ranks of the officers, &c., with De Puisaye.

Other correspondence relating to French royalists.

Copies of Acts for the regulation of the militia, sent by McGill in relation to Hugh McDonell's claim.

General return of stores remaining at the several posts and garrisons in Upper and Lower Canada on the 24th December, 1803. The posts named are: Quebec, William Henry, Montreal, St. John's, Kingston, and Fort George (with the dependencies of these four), York, Amherstburg and dependencies.

Return of stores at Quebec on 24th December, 1803, exclusive of those in the preceding return.

Return of barrack stores at the posts and garrisons in Upper and Lower Canada on 24th December, 1803.

General return of provisions and stores at the posts in Upper and Lower Canada, 24th December, 1803.

Proceedings of a Board of Survey on Ordnance and Ordnance stores, York, 5th July, 1804.

Proceedings of a Board of Survey on Ordnance, &c., St. John's, 26th June, 1804.

Return of iron ordnance, &c., to complete the schooner "Maria" at St. John's.

Same for the "Royal Edward."

The same for the row galley "Tickler."

Return of ordnance, &c., to remain at St. John's for naval purposes.

Minutes of Board of Survey held at Chambly, 30th June, 1804.

Report of a Board at Kingston, 3rd July.

Report of a Board at Montreal, 27th June.

Report of a Board at Amherstburg, 12th August, 1804.

Report of a Board at St. Joseph's, 8th August.

Report of a Board at Fort George, 9th July (includes Lake Marquette).

Hunter to Camden (No. 10). Dispatches received. Opening of the Legislature; sends speech, addresses, &c.

Enclosed. Speech at the opening of the Legislature.

Address by the Legislative Council in reply.

Answer.

Address of the Assembly.

Answer.

Hunter to Camden (No. 11). Prorogation of the Legislature; sends speech and schedule of the Acts passed and assented to.

Enclosed. Speech on prorogation.

Schedule of bills passed.

Hunter to Camden (No. 12). That he had found it necessary to appoint an additional member of the Executive Council for reasons given in detail. Had appointed Scott, Attorney General, and recommends that the appointment should be confirmed.

1805.

May 7,
York.

Hunter to Camden (No. 14). Sends resignation of Lieut. Colonel Shaw of the situation of Executive Councillor, the salary of £100 a year being incompatible with his receiving half-pay as a captain of the Queen's Rangers. Recommends John McGill to succeed; his qualifications.

Page 228

May 17,
York.

Enclosed. Letter of resignation of Shaw, dated 29th April. 230
Hunter to Camden (No. 15). Dispatch received. Shall issue, as directed, the pay of a Brigadier General on the staff to Mann, from the date that Burton ceased to receive the same. Has transferred memorial from Cockburn for lands in Nova Scotia to Milnes. Has not yet learned of the decision on the petition for aid to erect public buildings. 232

May 18,
York.

Same to same (No. 16). Had received circular containing orders to detain all Spanish ships within the limits of any of the ports, &c., of His Majesty's dominions abroad. 234

June 23,
Quebec.

Same to same (No. 17). Has received circular respecting the declaration of war with Spain, the same to be made public. 236

June 24,
Quebec.

Same to Cooke. Has received dispatch with the King's speech on opening Parliament on the 15th of January, and addresses in reply. Had also received circular respecting the actual beginning of hostilities by Spain against Britain, and a letter that £8,375 6s. 3 $\frac{1}{2}$ d. had been voted for the civil establishment of Canada from 1st January to 31st December 1805, with copy of the estimate. 237

June 25,
Quebec.

Same to Camden (No. 18). Had received letter that full instructions would be sent by Alcock on points relative to Upper Canada which required decision and information that Darcy Boulton had been appointed to succeed Gray as Solicitor General. 239

July 3,
Downing
Street.

Camden to Hunter (No. 8). Sends copy of report by the Attorney and Solicitor General, as to a colonial law for enabling His Majesty to make grants of lands to aliens in Upper Canada, and desiring him to direct the Attorney General of the Province to prepare a bill for submission to the Legislature. 240

(This report is in Q. 303, p. 88.)

July 3,
Downing
Street.

Camden to Hunter (No. 9). That he is to take steps for the security of the ammunition at Quebec, until the plans for its defence can be decided upon. 241

July 25,
Quebec.

Hunter to Camden (No. 19). Transmits requisition for goods to be used as presents for the Indians. 242

August 1,
Quebec.

Enclosed. Requisition. 243
Hunter to Camden (No. 20). Sends copies of the Acts to which he had given the Royal assent, and of the Journals of Council and Assembly. 247

Enclosed. Journals of the Legislative Council from 1st February to 2nd March. 248 to 327

Journal of Assembly (title only). 328

LIEUT. GOV. PETER HUNTER—1805.

Q. 301.

1805.
August 1,
Quebec.

Hunter to Camden (No. 21). Sends minutes of Executive Council on State matters, from 28th February to 13th December, 1804, and on land matters, from 4th January to 18th December, 1804. 1

Enclosed. Minutes, 28th February. Certificate that William Smith has properly finished the bridge at Pickering, and order for payment. 2

Copy of contract for bridge. 3

Details of account. 7, 8

1805.

Colonel Shaw
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248 to 327

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William Smith

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Minutes, 10th March. Address from the Assembly for payment for hemp seed purchased by Isaac Swayze, which the Assembly will make good next session.

The answer that a warrant would issue.

Page 9

The account follows.

Minutes, 14th March. Address from the Assembly praying that warrants may issue for certain payments on account of the Council and Assembly, to be made good at next session.

Agreed to and details given.

Minutes, 22nd March. Two Acts referred for the opinion of the Council, one to secure the Province against seditious attempts, the other for a grant to encourage the growth and exportation of hemp.

Report of Council.

Accounts examined and approved of.

Minutes, 28th March. Act for repairing highways referred to Council.

Report.

Minutes, 17th April. Refers the question of expending certain sums on the erection of a lighthouse on Mississauga Point.

Estimate of cost.

Report.

Minutes, 1st May. Instructions to the Commissioners for repairing highways and roads for the Home District.

Correspondence respecting the purchase and exportation of hemp.

Report with correspondence.

Minutes, 8th May. The standing Committee of Council is authorized, during the Lieut. Governor's absence, to carry into execution contracts entered into by the Commissioners of roads, the amount not to exceed £500 in the whole.

Minutes, 11th May. Instructions sent for the Commissioners for opening and repairing roads for the Western, London and Niagara districts.

Instructions: Western, 51; London, 54; Niagara, 58.

Accounts audited.

Minutes, 14th May. Notice of the dissolution of the present Legislature; asks the Council to report when the writs for the new elections should be returnable.

Proclamation.

Council recommends that the new writs be returnable on the 2nd of July.

Minutes, 15th May. Respecting Beasley's mortgage to the Six Nations.

Details of the amount due.

Minutes, 28th May. Report on Beasley's mortgage.

Report of the proceedings at a council of the Five Nations at Fort George, on 15th August, 1803.

Minutes, 14th June. Auditing accounts.

Minutes, 3rd July. Auditing continued.

Minutes, 6th July. Reference respecting fees on land grants.

Report.

Table of fees appended.

Distribution of the same.

Minutes, 13th July. Auditing accounts.

Minutes, 23rd July. Auditing continued.

Minutes, 24th July. Auditing continued.

Report by Claus of the proceedings at a council held with the Six Nations of the Grand River at the Mohawk village.

Minutes, 27th July. Report on the roads from the mouth of the Humber River to Bate's tavern in the township of Flamboro' West.

1805.

Advertisements ordered, asking for proposals to repair, &c., the roads above mentioned.	Page 142
Minutes, 3rd August. Refers for examination the various reports on the books, &c., in the office of the Secretary and Registrar.	143
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Report of the Council on the same.	164
Auditing accounts.	169
Minutes, 16th August. Auditing accounts continued.	173 to 189
Report on the Secretary's account for duties collected on shop, tavern and still licenses to the 5th April, 1803.	189
Minutes, 1st September. Report on the charge to be made for stationery for deeds.	191
Application from John Bennett, for an increased allowance for printing.	194
Auditing accounts.	196
Minutes, 4th September. Instructions to the deputies of the Surveyor General to report where all the original authorities, &c., to serve as vouchers for the Surveyor General, and all maps, &c., are deposited.	197
Return by the Deputy Surveyors to this order.	198
Minutes, 8th September. Auditing accounts.	200
Minutes, 19th September. Report of Road Commissioners for the district of London.	201
Report of Council on the same.	205
Minutes, 20th September. Proposals for opening and repairing the road and building bridges between York and the River Humber.	208
Report on the same.	209
Report respecting missing deeds in the Secretary's office.	211
Minutes, 3rd October. Proceedings of the Road Commissioners for the Midland district, and a letter from the Chief Justice, referred to the Council.	228
Report on the same.	232
Auditing account of the Government printing.	235
Minutes, 9th October. Report by Chewett upon the bridging, &c., and cutting out the logs and brush through the township of Clarke.	236
Agreement for the same with Jacob Truman.	238
Report of Council on the same.	241
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Plans laid before the Council for bridges across the River New or Rouge, to be reported on.	245
Details of material, &c.	246 to 248
Report on the same.	248
Minutes, 6th November. Application by John Small for six months' leave of absence referred to Council.	250
Memorial.	251
Leave granted.	252
Circular to Clerks of the Peace, respecting applications from persons stating themselves to be sons of U. E. loyalists, referred to the Council.	253
That certain claims for land are to be laid before the Attorney General.	254
Order as to the manner in which reports from the Executive Council referred to Orders-in-Council are to be prepared.	255
Minutes, 27th November. Report from the Commissioners of the Eastern District referred to Council.	256
Minutes, 13th December. Memorial of Elmsley, late Chief Justice, respecting his house in York, referred to Council for a report on its value and fitness for public offices.	258

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1805.

1805.
 August 1,
 Quebec.

August 3,
 Quebec.

Elmsley's memorial. Page 259
 Correspondence on the subject and estimate of the value of the house.
 261 to 265
 Report by Council. 266
 Minutes on land matters in Q. 302.

LIEUT. GOV. PETER HUNTER—1805.

Q. 302.

Minutes on land matters enclosed in letter (No. 21) in Q. 301, from
 Hunter to Camden, dated as in the margin.

Minutes, 4th January to 18th December, 1804. Consideration of
 petitions. Page 3 to 423

(Names in alphabetical list.)

Hunter to Camden (No. 22). Transmits abstract of grants of land
 between 1st January and 31st December, 1804. The goods intended as
 presents for the Indians have arrived, but without invoice or bills of
 lading, so that the usual survey could not be held. They are in the
 meantime in charge of the Storekeeper General of the Indian Depart-
 ment. 424

1805.

ABSTRACT from the Auditor's Docket Books of Grants of Land in Upper Canada which have passed the Great Seal of the Province between the 1st of January and 31st December, 1804.

Counties.	No. of Grants.	Districts.	No. of Acres.	Total No. of Grants.	Total No. of Acres Granted.
York.....	157	Home.	35,672½	157	35,672½
Durham.....	17	Newcastle.	5,297	46	11,221
Northumberland.....	29		5,923		
Lincoln.....	76	Niagara.	19,673½	76	19,673½
Glengarry.....	55	Eastern.	11,623	182	41,952½
Dundas.....	21		5,147		
Prescott.....	15		5,193		
Russell.....	5		1,626		
Stormont.....	86		18,354½		
Grenville.....	64	Johnston.	9,439	190	48,178½
Carleton.....	2		500		
Leeds.....	124		38,239½		
Essex.....	49	Western.	9,145½	72	19,409½
Kent.....	23		10,264		
Middlesex.....	18	London.	16,890	87	37,360
Norfolk.....	28		9,500		
Oxford.....	41		10,970		
Frontenac.....	40	Midland.	5,873½	236	39,797½
Hastings.....	33		7,758		
Lennox and Addington.....	86		12,103½		
Prince Edward.....	77		11,062		
Total...				1,046	253,264½

N.B.—For 697 of the above grants the faith of Government was pledged previous to the commencement of Lieut. General Hunter's administration. The remaining 349 grants have been authorized under Orders of Council subsequent thereto. Errors excepted.

PETER RUSSELL,
Auditor General, U.C.

September 5,
Downing
Street.

Castlereagh to Hunter (No. 1). Transmits memorial from Major Henry Bird, of the 5th Regiment, for compensation for the loss of land taken from his father.

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(A circular from Castlereagh in Series C, Vol. 245, p. 107, dated 10th July, states that he had succeeded Camden in the Colonial and War Departments.)

Land in Upper
Province between

Total No. of Acres.	Total No. of Acres Granted.
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157	35,672½
-----	---------

46	11,221
----	--------

76	19,673½
----	---------

82	41,952½
----	---------

90	48,178½
----	---------

72	19,409½
----	---------

87	37,360
----	--------

36	39,797½
----	---------

46	253,264½
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Page 427
7, dated 10th
and War De-

1805.

September 5,
Downing
Street.

September 7,
York.

September 8,
York.

Castlereagh to Hunter. Sends information respecting the culture of hemp to be translated into French and circulated. Page 428

Russell to Camden. Death of Hunter at Quebec, on the 21st of August. Had called together the Council, who decided that the administration devolved on Alexander Grant, the senior Councillor. Had sent express to Grant at Amherstburg a copy of the minutes and a request that he would repair to York to administer the Government. Had himself filled that position for four years, but would forward the King's service to the utmost of his ability, though naturally feeling the mortification at being called to act in a situation so subordinate to that he formerly exercised. 429

Enclosed. Minute of Council mentioned in the preceding letter. 431
Same to same. His reasons for not at once taking the office of administration, although he had been recognized as President by His Majesty's Ministers. 433

Enclosed. Letter by Russell to King, Under Secretary, dated 22nd September, 1799, on the subject of his holding the office of President of the Council. 436

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 January 11,
 London.

Daniel Cox to Camden. Had received a report from Barclay, Consul General at New York, that Judge Cochran and Gray, the Solicitor General for Upper Canada, had perished in Lake Ontario. Recommends the appointment of William Taylor to succeed Cochran; his qualifications, services, &c. Page 65

(A statement of the shipwreck is in Q. 299, p. 172.)

January 21,
 Treasury.

Sturges Bourne to Cooke. Transmits report by the Comptroller of Army Accounts in a letter from Hunter of 16th September, 1804, enclosing the public accounts of Upper Canada. The report to be laid before Lord Camden for his observations. 67

January 23,
 London.

Edward Fisher to ——. Transmits statement of balance in his hands for the public service. 68

Enclosed. Statement of sums remaining in the hands of Edward Fisher, as agent for Upper Canada, out of the sums issued for the Civil establishment of that Province. 69

February 1,
 Devises.

D. W. Smith to Adam Gordon. Urging that his pension and arrears be not forgotten in the estimates of the establishment for Upper Canada. 71

February 13,
 York.

Memorial from John Small for an increase of salary. 73
 (The memorial is undated, it is marked as received at the date on the margin.)

Enclosed. Minute of the Executive Council of Upper Canada, on the salaries of the officials. 76

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February 14,
London.

C. B. Wyatt to Camden. For payment of his salary from the date of his appointment to be Surveyor General of Crown Lands in Upper Canada, he having from the date of the warrant been unable to sail with the ships of last season. Page 78

February 18,
Quebec.

Elmsley to Adam Gordon. Asks that Hunter's report relative to his (Elmsley's) house may be confirmed; his embarrassment owing to the want of the money. Has had to buy a house at Quebec for 4,000 guineas for three-fourths of which he is paying interest. The rent of houses in Quebec is double what it is in London. 80

March 29,
London.

J. A. Vesey to Camden. Wishes to carry with him to Canada the warrant for land promised him, and as the quantity (10,000 acres) surpasses the authority of the Governor and Council in the Canadas to grant, asks for a letter of authority to receive that amount. 83

April 2,
London.

Duke of Kent to Cooke. Introduces Lieut. Col. Vesey; asks that his application for a grant of land be considered. 85

April 8,
London.

C. B. Wyatt to Camden. Is about to sail to enter on his duties as Surveyor General of Crown Lands in Upper Canada and asks for authority to obtain a grant of 1,200 acres there. 86

April 11,
London.

Report by the Attorney and Solicitor General, as to a Colonial law for enabling His Majesty to make grants of land to aliens in Canada. (The letter which enclosed this report is in Q. 300, p. 240.) 88

April 21,
Worcester.

Allecock to —. How the fees on land grants in Upper Canada are appropriated. Two clerks in the Council Office receive their salaries out of the fund raised by these fees. An addition to Small's salary might be paid from the same source as long as the amount collected was sufficient. 91

May 4,
London.

Small to Camden. Urges that a decision may be arrived at in his case, so that he might return to his duties in Upper Canada. 93

May 11,
London.

Captain Norton to Cooke. Has waited expecting to hear that a copy of the grant [on the Grand River] had been received from Canada, so that the demands of the Five Nations might be settled. Has learned that Dorchester is in the country, who knows all the claims of the Five Nations, their services, &c. Is sure that His Lordship would give ample satisfaction to any inquiry it might be thought necessary to make. Smith, lately Surveyor General, is also capable of answering any questions on the subject, being a trustee of that portion of the land the sale of which was confirmed by Government, that the Five Nations might derive an income from it. His reasons for importunity. Has been advised to present a petition to Parliament, but is not willing from ignorant zeal to be led into irregularity of proceeding. 95

May 14,
London.

Small to Camden. Thanks for answer to his petition, but a positive order to the Governor is necessary before lands can be granted him above the 1,200 acres to which the Governor's power of granting is limited. 98

May 16.

Same to Cooke. On the same subject as letter to Camden of the 14th. 100

May 28.

Norton to same. Owing to the long delay, asks if he should await the decision of the Secretary of State, or return to Canada and forward from there the papers wanted. 102

Enclosed. Extract of letter from D. W. Smith to Norton, respecting Haldimand's grant to the Five Nations. 104

June 6,
Bath.

Misses Clarke to Camden. Further respecting the lands to which their father and brother were entitled. 105

June 15,
Newfound-
land.

Thorpe to Cooke. Applies to succeed Elmsley, or, if that promotion has been given to Allecock, to succeed the latter in Upper Canada. 109

June 18,
Bristol.

Small to same. Shall be in town to take passage for Canada. Being the bearer of dispatches will secure him a free passage. Gordon

1805.

- does not say when the additional salary is to begin; hopes that the arrears shall be paid from the time allowed to the Clerk of the Council of Lower Canada. Page 111
- June 22, Norton to Cooke. Has called on Dorchester; His Lordship's opinion that "should it be necessary for the satisfaction of the Five Nations, that the terms of their grant from Sir Frederick Haldimand be enlarged, His Lordship would readily concur, but not to have them curtailed on any account whatever;" he saw no reason why the Five Nations should not have the same right to lease as the people of Caughnawaga or Lake of Two Mountains. The importance of Dorchester's opinion from his former position and knowledge of the facts. 113
- June 26, Same to Camden. Is desirous to obtain an answer to his application, and sends a memorial to the Privy Council. 117
- June 28, Allcock to Cooke. The sum of £2,950 has been remitted by Claus, proceeds of sales of Indian lands. How this and other sums are to be invested for the benefit of the Indians. 118
- July 16, Norton to same. Respecting claims of the Six Nations, which he seeks to have adjusted. Comments on the means used to obtain apparent declarations from an illiterate people. Desires to see the document stated to have been signed by some of the chiefs, so that he may ascertain if the Indians have really changed their minds since he left. 120
- June 19, Memorial by Small to Castlereagh for increased fees and salary and for payment of arrears. 122
- July 20, Norton to Camden. Has been informed that by dispatches from Canada it appears that at two councils of the Six Nations, the Chiefs declared that he (Norton) had not been authorized to undertake any mission on their behalf and have disavowed the whole of his proceedings. Enters into a long and detailed history of his appointment as Chief, &c. 125
- July 23, Same to Castlereagh. On the same subject as the letter to Camden of the 20th. 132
- July 24, Cottrell, for Lords of Trade, to Cooke. Transmits representation on behalf of the Six Nations for lands on the Grand River, for the consideration of Lord Castlereagh. 139
- July 31, Enclosed. Memorial by Norton on behalf of the Six Nations, addressed to the Privy Council. 140
- July 31, Sir George Mackenzie to the Colonial Secretary. Asks if he can obtain a grant of land either in Prince Edward Island or Canada, to which he can conduct and settle a number of his tenants, whose leases will very soon expire and about whom he feels anxious. 160
- August 1, Vesey to Camden. Thanks for the attention bestowed on his solicitation for a grant of land in Upper Canada. Hunter promised that the grant for 5,000 acres would be made out as soon as he received His Lordship's orders, but it should be directed to issue on the same terms as those to the loyalists, otherwise the fees would be very considerable. Requests that this be done. 147
- August 27, Captain Henry Bird to Castlereagh. Further memorial respecting lands granted to his father near Detroit. 149
- September 13, A. Grant to Camden (No. 1). That on receipt of the news of Hunter's death, he had come to York, to assume the administration as senior Councillor, arriving on the 10th; had taken the oaths on the 11th. 2
- September 13, Huskisson to Cooke. Transmits letter of 20th July and requisition from Hunter for goods for Indians, stationery, &c. 153
- September 18, Russell to same. His doubts and the reasons for them, whether he and not Grant should be administrator. Had written Grant to call a full meeting of Council. The refusal of the Council to take up the question, no order of reference on the subject having been made. Does not prefer a complaint, but states the facts to deprecate censure for having joined

1805.

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Page 111
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- in the decision of Council, or any consequences which may result from it.
Enclosed. Letter to Grant, dated 16th September, on the question of their seniority and asking him to call a meeting of Council to consider the subject, 8
Answer, same date, that Grant had summoned the Councillors. 10
September 20, Scott to Camden. Asks for promotion consequent on the death of Elmsley, as he had been led to expect this on his accepting the office of Attorney General. The great loss to the Province occasioned by the death of Hunter. 153
York.
September 25, A. Macdonald to the Chief Baron. Transmits a letter from Sir George Mackenzie, and asks that consideration be given to it, &c. 158
East Sheen.
(Sir George Mackenzie's letter of 31st July calendared at its date.)
September 26, Cockburn to Cooke. Renewing his application for a grant of land, and enclosing extract from a minute of Council of Quebec and copy of letter from his brother, John Cockburn. 163
Isle of Wight.
Enclosed. Memorial and correspondence. 164 to 174
Extract from minutes of Council of 30th July. 175
September 28, Castlereagh to Hunter (No. 3). The Acts passed by the Legislature of Upper Canada have been considered and do not appear to be liable to any objection. (The titles of the Acts, eleven in number, are given.) 11
Downing Street.
September 30, Grant to Camden (No. 2). Had received circular requiring information to be sent of malignant or infectious diseases that may be prevalent in the respective Governments. There are none in Upper Canada. The principal diseases are agues and intermittent fevers, arising, it is supposed, from there not being sufficient clearing near the settlements. 14
York.
October 1, Same to same (No. 3). Had received orders to have a Bill prepared to be laid before the Legislature to enable His Majesty to grant lands to aliens in Upper Canada. From the universal prejudice against aliens of all descriptions becoming settlers, has serious doubts if such a Bill could pass. 16
York.
October 1, Thorpe to Cooke. Had expected a vacancy on the Bench here, owing to the removal of Alcock to Quebec. In the Province there is no Governor, no General, no Bishop, no Chief Justice; the Council have made a President, but owing to a cabal have appointed a man who does not appear to be the oldest member, and is inefficient; an active, sensible man is ardently wished for. The inconvenience of making the General commanding both Provinces the Governor of this, as it is abandoned for several months every year. The proclamation for proroguing the Legislature was dated 31st August, and the General had expired on the 21st, one instance of the inconvenience. The expense he (Thorpe) has incurred, bringing his family so long a distance. Is glad he has been removed from Prince Edward Island; the worst people in the world are there and he fears they will give more trouble than the Island can recompense. 177
October 2, Grant to Camden (No. 4). Has made a requisition on the Commander of the forces for £2,500 sterling for account of civil expenditure of the Province. 18
York.
October 3, Cooke to President Russell. To obviate inconveniences that may arise to officers of the civil establishment drawing their salaries since the death of Fisher, the agent, Adam Gordon has been authorized to pay such bill till a new agent is appointed. 19
Downing Street.
October 9, Grant to Camden (No. 5). Transmits memorial from Mr. Justice Powell, with a letter which accompanied it. The qualifications of Powell. 20
York.

1805.

- Enclosed.* Memorial of William Dummer Powell, for an allowance for having performed all the duties of the Bench, in the absence of the Chief Justice. Page 22
- Powell to Grant, 6th October. That Hunter had promised to forward the memorial with his recommendation. Hopes the death of Hunter will not effect the propriety or force of the representation. 24
- October 10, Colchester. Bird to Cooke. Sends documents respecting claims to lands, the property of his father. 180
- Enclosed.* Documents referred to in letter. 182 to 194
- October 11, Treasury. Sturges Bourne to Cooke. Transmits, from the Treasury, letter from the Commissioners of the Navy, that Robertson, Forsyth & Co., of Greenock, can procure some very large pine masts, if they can obtain permission to cut them. Requests him to send instructions to that effect to the Governor of Upper Canada. 195
- Enclosed.* Letter from the Navy Office respecting Robertson, Forsyth & Co.'s application. 196
- October 16, London. Duke of Kent to Castlereagh. Transmits, but without any recommendation, application from Sir John Johnson to be appointed Lieut.-Governor of Upper Canada. 198
- Enclosed.* The application from Sir John Johnson, dated Port Oliver, 25th August, 1805. 200
- November 10, York. Grant to Cooke. Dispatches received; answers sent in duplicate. Has received from Colonel Bowes notice of the appointment of Thorpe to be a judge in this Province. 26
- November 11, York. Same to same. Has received speech on the prorogation of Parliament. 30
- November 11, York. Same to Castlereagh (No. 6). Had communicated by the earliest opportunity the death of Hunter. Shall attend to circular and address all dispatches to His Lordship. 28
- November 14, York. Same to same (No. 7). Has received order to pay Small, clerk of the Council, £100 in addition to his regular salary, and also to grant him 2,000 acres of land. 31
- Castlereagh to Grant (No. 1). Sends letter, &c., from Major Henry Bird, relative to claim for his father's lands, for inquiry and report on the subject. 33
- November 21, York. Thorpe to Castlereagh. Application to succeed Allcock as Chief Justice of Upper Canada, stating his qualifications, &c. 206
- November 28, London. Allcock to Cooke. That the amount now in the hands of Messrs. Coutts, to be invested for the benefit of the Indians, is £3,967.17.8. 208
- November 30, York. Grant to Castlereagh (No. 8). Orders had been given by Hunter to purchase a tract of land between Etobicoke and Burlington Bay, belonging to the Missisaugas, for making roads and securing communication between the seat of Government and the western parts of the Province. A provisional agreement for the purchase is enclosed; the death of Hunter alone prevented the final settlement. There is no doubt that the sum inserted in the provisional agreement was as stated by the Deputy Superintendent General in his letter of 8th August, 1805. Considers that the purchase should be completed, but does not think himself at liberty to go beyond the sum mentioned, without instructions. Considering other purchases, the value of land, &c., recommends that £1,700 be given for the present acquisition. The sum above that stipulated in the provisional agreement will appear to flow from the bounty of the British Government, and the purchase will confer a lasting benefit on the Province. For further information encloses copy of letter from Deputy Superintendent General. 35
- Enclosed.* A. Provisional agreement. 38
- Requisition for goods for payment of the lands. 41

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1805.

- B. Letter from W. Claus, dated 8th August, to Green, transmitting deed from the Missisauagas to be laid before Hunter. Page 44
- C. 1. Proceedings of meeting with the Missisauagas at the River Credit on the 31st July. 46
2. The same on the 1st August. 50
3. The same on the 2nd August. 55
- D. Letter from Claus, dated 16th November, recommending a sum additional to that in the provisional agreement. 58
- December 22, Grant to Castlereagh (No. 9). Has received circular announcing the death of the Duke of Gloucester. 60
- York
- December 23, (The circular, dated 27th August, is in Series C, Vol. 245, p. 110.) Grant to Castlereagh (No. 10). Has received documents relating to the culture of hemp. Is doubtful if a translation into French is necessary in this Province; it is more probable that a translation into Dutch would be of greater utility. He will use every exertion to promote the culture of hemp. 61
- December 29, Same to Cooke. Has received copy of regulations to be observed by half-pay officers for obtaining their allowance, and has issued a notice in accordance therewith. 63
- York
- December 31, Inglis to Castlereagh. Encloses and calls attention to a proclamation from Wilkinson, the American Governor of Upper Louisiana, prohibiting the entrance of foreigners into the Missouri for trade or otherwise. If warranted in this case, the prohibition may be extended to the whole of the west side of the Mississippi, thus cutting off a large part of the fur trade from Canada. An application for redress to be made through the British Minister. The probable course of the American Government. 209
- London
- December 31, Enclosed. Proclamation (in French) by Wilkinson. 211
- London
- 1806, Sir Rupert George to Cooke. Requesting that an order may be obtained for the payment of Judge Cochran's salary, he having been drowned in Lake Ontario, in October, 1804, and in consequence of the death of Hunter, the usual order to the agent for payment cannot be issued. 213
- April 4, Castlereagh to Grant. Dispatches received. Francis Gore has been appointed to succeed Hunter as Lieutenant Governor, and has been desired to proceed from the Bermudas with all convenient despatch. 25
- Downing Street.

ACTING GOVERNOR A. GRANT.—1806.

Q. 304.

- 1806, Grant to Castlereagh (No. 11). Has received, in dispatch to Hunter, memorial of Major Henry Bird, respecting lands granted to his father. Has directed inquiries to be made, but is, as yet, unable to communicate the result. Page 2
- January 3, Same to same (No. 12). A vacancy has occurred in the office of the Clerk of the Crown and Common Pleas, by the death of David Burns. Has put in William Warren Baldwin (who acted as deputy) until the King's pleasure be known. 4
- February 21, Russell to Cooke. Has received information for the officers of the civil establishment that Adam Gordon is authorized to pay the bills for their salaries, and on receipt of the letter had transferred it to Grant, the present administrator. Will not repeat his reasons for not acting as administrator on hearing of the death of Hunter. 6
- York
- March 3, Castlereagh to Gore. Transmits warrant appointing him Lieutenant Governor of Upper Canada. Brigadier General Hodgson is to succeed him in the Government of the Bermudas, but he need not wait for his arrival. 8
- York
- March 5, Downing Street.

1806,		
March 6,	Grant to Castlereagh (No. 13). Has received dispatch addressed to Hunter, that the Acts passed by the Legislature of Upper Canada have been considered and do not appear liable to any objection. Page 9	
York.		
March 14,	Same to same (No. 14). Encloses address from the Assembly, with schedule of accounts and his answer. Remarks on the revenues of the Province.	10
York.		
March 15,	(The letter with documents published in full in this report.)	
York.	Same to same (No. 15). That the bill to enable aliens to hold land in Upper Canada was introduced, but the prejudices of the Assembly were too strong, and it was rejected.	27
March 15,	Same to same (No. 16). The Legislature met on the 4th of February and was prorogued on the 3rd instant. Sends copy of speeches, replies, &c., and schedule of Acts passed.	29
York.		
	Enclosed. Speech on opening the House.	31
	Address of Council in reply.	34
	Answer.	37
	Address of Assembly in reply.	38
	Answer.	41
	Speech on prorogation.	42
	Schedule of bills which received the Royal assent on Monday, 3rd August, 1806.	44
March 28,	Russell to Castlereagh. Had transferred dispatches addressed to him to Grant, who now administers the Government. Remarks on his election by the Council.	47
York.		
April 3,	Grant to same (No. 17). News of the brilliant victory of the late Lord Nelson over France and Spain (the battle of Trafalgar). The death of Nelson abates the joy.	49
York.		
April 8,	Same to same (No. 18). Encloses documents (with remarks) relative to Major Bird's memorial respecting his father's claim to land near Detroit.	51
York.		
	Enclosed. Proceedings, dated 24th March, of the Executive Council on Major Bird's memorial. Further proceedings, dated 7th April.	59
	Copy of Haldimand's letter to Hay, dated 14th August, 1784.	61
	Plan showing the site of the military post of Amherstburg.	65
	Report of Council on Bird's memorial, with correspondence, &c.	68 to 91
April 28,	Grant to Castlereagh (No. 19). Transmits copies of Acts to which the Royal assent has been given, and also copies of the Journals of the Legislative Council and Assembly.	92
York.		
	Enclosed. Journal of Council, from 4th February to 3rd March.	94 to 145
	Journals of Assembly, 1806 and 1807, titles only.	146, 147

LIEUT. GOV. FRANCIS GORE AND MISCELLANEOUS—1806.

Q. 305.

1806,		
January 6,	Powell. Memorandum of his services and the salary he had reason to expect. How he had been treated in comparison with Allcock. Page 82	
London.	Enclosed. Other documents relating to his salary and claim for arrears.	83, 84
January 24,	Thorpe to Cooke. Desires to inform him of the situation of the colony before the new Governor leaves London. Hunter has nearly ruined the Province by his rapaciousness to accumulate money by grants of land; he dissatisfied the people and oppressed the officers of Government, &c.	
York.	Postscript of 5th February.	86
	Letter to Castlereagh, dated 4th March, on the same subject.	90
	(These, with subsequent letters from Thorpe are published in full in Note D. of this report. The dates and pages in this volume are: 5th	

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1806.

February 10,
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March 5.

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April 1,
London.

April 1,
York.

April 2,
York.

April 5,
London.

March (p. 103), 2nd April (p. 124), 1st April (p. 127), remarks by the petty jury on his charge and answer (p. 132), letter to Cooke of 7th April (p. 135), letter to Adam Gordon, 14th July (p. 150), 22nd October (p. 173), 1st December (pp. 189 to 214).

W. Dummer Powell to Cooke. Applies that the office of the Clerk of the Crown and Pleas, vacant by the death of Burns, may be given to his son, John Powell. States his own and his son's services and the promise of the Lieut. Governor.

Resolutions to form an Agricultural and Commercial Society of Upper Canada, with rules and regulations for its guidance.

Thorpe to Cooke. "I expected that the avarice and imbecility of our Government would have been highly injurious, but it has far surpassed my fears," &c.

(For letter see Note D.)

Allcock to Shee. Report on the Indian lands on the Grand River.

Same to same. The necessity of having a Court of Chancery in Upper Canada. The complaints made of the injustice suffered by people interested, owing to the want of a Court of Equity. It was understood that on his (Allcock's) return to Upper Canada, a Court of Chancery would be opened.

Memorial by D. W. Smith to Windham. That the warrants of survey and other papers, collected by him as Surveyor General, were regarded as his private property, to be used in the settlement of his accounts. They were asked for by the late Lieut. Governor of Upper Canada. As they are of no use to him (Smith) except in relation to his accounts, shall send them, if the so doing is covered by his (Windham's) sanction and authority.

(For result of this application see Harrison's letter of 30th, transmitting Treasury Report of 20th June, pp. 147-148.)

W. Harrison to Shee. In accordance with request, sends opinion on the establishment of a Court of Chancery in Upper Canada. Is surprised that a Court was not established at the time of the introduction of the English law. Instructions should be sent to the Governor now to that effect, as owing to the delay a specific order on the subject seems to be necessary.

Same to same. In respect to Allcock's report on the subject of the Indian lands and the money now standing in the name of Antrobus, everything appears to have been done towards securing the payment of the money due on the sales and remitting. Recommends that the suggestion in the report for the recovery of the remainder and its investment should be followed. The question of further sales depends on how far these can be carried, the class of persons likely to become purchasers and settlers and the quantities into which the lots should be divided, with the probable produce. How the money should be transferred from Antrobus and invested jointly in his name and in that of Windham, which would sufficiently secure it without the necessity of a deed of trust, &c. The future disposal of principal and interest.

Thorpe to Cooke. Did not think he would be obliged to trouble him for a long time.

(For letter and enclosures see note D.)

Thorpe to Gordon. Had been informed that he (Gordon) had been appointed agent, &c.

(For letter see Note D.)

Allcock to Shee. Had directed Antrobus to transfer £9,244 5s. 11d. three per cent consols to the joint names of the Secretary of State and himself (Antrobus), and has received a note from Messrs. Coutts that this transfer has been made.

1806.

- April 7,
York. — Thorpe to Cooke. Had received word of Pitt's death, &c. Page 135
(For letter see Note D.)
- April 30,
York. Thorpe to Castlereagh. Sends resolutions of the Agricultural Society
of Upper Canada, &c. 136
(For letter and notice of meeting, see Note D.)
- April 30,
London. Inglis to King. Encloses letter from a gentleman in whom he takes
an interest (W. Dummer Powell), addressed to a gentleman now out of
office. Powell has conducted himself in his situation in a very becoming
manner and he (Inglis) trusts King will serve him as an old and faithful
servant of the Crown. 139
(Letter from Powell enclosed, dated 10th February, calendared at its
date.)
- May 5,
York. Grant to Castlereagh (No. 20). Transmits memorial from Rev.
Alexander McDonell; if found consistent with the political interests of
the Mother Country to permit emigration from Scotland, no class would
be found more useful than the industrious Highlanders. 2
Enclosed. Memorial from Rev. Alexander McDonell on the failure of
the promised assistance from Government, to provide clergymen and
schoolmasters for the Highland settlers. 4
- May 10,
Downing
Street. Windham to Gore (No. 1). He is to bring before the Council memorial
from Allcock for land granted to him, and have a patent issued to bring
his grant to an equal quantity with that to other members of the Council
and on the same terms. 12
- May 10,
Downing
Street. Same to same (No. 2). To complete the provisional agreement for
the purchase of land from the Missisauagas. The price stipulated was
£1,000, but they are to be paid £1,700 for reasons given. 13
- May 16,
London. Allcock to Shee. Transmits letter from Windham relative to order
for his (Allcock's) lands in Upper Canada. The difficulties of the Council
there respecting moneys received for Indian lands. Shall to-morrow
wait upon him respecting that and other arrangements in regard to the
money lately transferred to Windham and Antrobus. 143
- May 16,
London. Same to Windham. Requests that instructions be sent to the Lieut.
Governor and Council of Upper Canada to issue a patent for as much
land as will make up the same quantity to him as to the other members
of the Executive Council. Lieut. Governor Hunter had promised to
solicit a larger grant than the others had received, owing to his (All-
cock's) extraordinary labours. 144
- May 17,
York. Grant to Castlereagh (No. 21). Sends requisition for goods to pay for
lands purchased from the Missisauagas. 9
Enclosed. Requisition. 10
- June 2,
Treasury. Harrison to Shee. Asks if there are lands in Upper Canada which
might be granted to Kempe in lieu of those he had lost in America. 146
- June 5,
Downing
Street. Windham to Gore (No. 3). Sends copies of letters, &c., respecting
the growth and preparation of hemp; he is to take measures for the
encouragement of its culture. 15
- June 30,
Treasury. Harrison to Shee. Transmits report of the auditors to the Treasury
on D. W. Smith's accounts. 147
Enclosed. Report, that D. W. Smith's accounts are not yet examined,
and as it is not known exactly what authorities are required as vouchers,
he should send certified copies of warrants and other papers to Canada,
retaining the originals. 148
- July 13,
York. Grant to Windham (No. 22). Had received notice of his (Windham's)
appointment to the Colonial and War Departments in room of Castle-
reagh. 16
- July 14,
York. Same to same (No. 23). Has received word of the capture of the
Cape of Good Hope. 17
- July 14,
York. Thorpe to Gordon. Had drawn for his salary on him as Colonial
agent, &c. 150

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1806.

July 15,
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July 17,
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July 18,
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July 18,
York.

July 19,
York.

July 20,
York.

July 23,
Treasury.

July 26,
Treasury.

July 29,
York.

(For letter see Note D.)

Grant to Windham (No. 24). Has been informed of the appointment of Gore to be Lieutenant Governor of Upper Canada. Page 18

Same to same (No. 25). Has received circular respecting the encouragement of the Newfoundland fisheries. The inland situation of Upper Canada renders the particulars not applicable to that Province. 19

Same to same (No. 26). Acknowledges receipt of news of a brilliant victory by Admiral Duckworth. 20

Same to same (No. 27). Shall obey His Majesty's commands respecting grant of 5,000 acres to Lieut. Col. Vesey, in like manner as the grant made to Talbot. 21

Same to Shee. Has received estimate for the establishment of Upper Canada. 22

Same to Windham (No. 28). Shall obey His Majesty's commands respecting grant of 5,000 acres to Hon. Mr. Jones, brother of Lord Ranelagh. 23

Same to Windham (No. 29). Has received papers relating to contagious diseases, &c. There is no disorder of the nature referred to, but should it be found necessary, no efforts shall be found wanting to enforce the rules laid down by the Board of Health. 24

Harrison to Shee. The Lords of the Treasury desire to have Windham's opinion whether the compensation to the Rev. Edward Kempe should be in money, at the rate of 2s. 6d. an acre, or in land with the usual restrictions. 153

Enclosed. Minutes of the Board of Trade on Kempe's losses. 154

Harrison to Shee. Transmits requisition from President Grant for goods to pay for the lands purchased from the Mississaugas, in order to obtain Windham's opinion thereon. 156

Grant to Windham (No. 30). Sends abstract of the grants of land from 1st January to 31st December, 1805. 25

1806.

Abstract from the Auditor's Docket Books of Grants of Land in Upper Canada which have passed the Great Seal of the Province between the 1st of January and 31st of December, 1805.

Counties.	No. of Grants.	Districts.	No. of Acres.	Total No. of Grants.	Total No. of Acres Granted.
York.....	221	Home	47,102½	221	47,102½
Durham.....	9	} Newcastle.	4,050	} 42	11,934
Northumberland.....	33		7,884		
Lincoln.....	49	Niagara.	10,126	49	10,126
Glengarry...	6	} Eastern.	1,313	} 33	6,656
Dundas.....	12		2,224		
Prescott.....	3		800		
Russell.....	4		1,000		
Stormont.....	8		1,319		
Grenville ..	24	} Johnston.	5,318	} 95	21,666
Carleton ..	6		0		
Leeds.....	71		16,348		
Essex.....	30	} Western.	5,198	} 33	5,818
Kent.....	3		620		
Middlesex ..	10	} London.	3,300	} 45	19,052
Norfolk.....	31		7,791		
Oxford.....	4		7,961		
Frontenac.....	27	} Midland.	5,176½	} 69	15,719½
Hastings.....	7		1,700		
Addington and Lennox.....	24		4,051		
Prince Edward.....	11		4,792		
Total.....				587	138,163½

Errors excepted.

PETER RUSSELL,
Auditor General.

July 30.

Grant to Windham (No. 31). Sends return of militia for 1805, except for the counties of Glengarry and Prescott, not yet received. 28

and in Upper
between the

1806.

Total
No. of Acres
Granted.

47,192

11,984

10,126

6,656

21,666

818½

19,652

15,719½

138,163½

General.

805, except
28

RETURN of the Militia in His Majesty's Province of Upper Canada for the year 1805.

District.	Counties.	Colonels.	Lieut. Colonels.	Majors.	Captains.	Lieutenants.	Knights.	Cornets.	Chaplains.	Adjutants.	Qr.-Masters.	Surgeons.	Sergeants.	Drummers.	Rank and file.
Eastern.	Chengarry Prescott Stormont	1 1 1	1 1 1	1 1 1	1 1 1	10 10 12	10 3 6	1 1 1	1 1 1	1 1 1	1 1 1	1 1 1	30 4 26	...	686 85 263
Johnstown.	Dundas Grenville Leeds	1 1 1	1 1 1	1 1 1	1 1 1	12 12 10	6 6 6	1 1 1	1 1 1	1 1 1	1 1 1	1 1 1	33 38 39	2 116	415 686 256
Midland.	Frontenac Lennox Addington Hastings	1 1 1 1	1 1 1 1	1 1 1 1	1 1 1 1	12 12 6 6	6 6 6 6	1 1 1 1	1 1 1 1	1 1 1 1	2 1 1 1	1 1 1 1	24 21 19 33	2	273 580 220
Newcastle.	Prince Edward Northumberland	1 1	1 1	1 1	1 1	12 8	9 8	1 1	1 1	1 1	1 1	1 1	22 6	3	405 288
Home.	Durham.	1	1	2	2	1 1	1 1	1 1	1 1	1 1	1 1	1 1	46 1	1	80 703
Niagara.	York	1	1	3	15	20	19	1	3	3	1	1	123	1	1,498
London.	Lincoln (4 battalions)	6	6	5	49	47	35	5	5	5	5	1	16	2	913
Western.	Norfolk Oxford Essex Kent	1 1 1 1	1 1 1 1	2 2 1 1	4 4 10 4	3 3 15 4	3 3 14 4	1 1 1 1	2 2 14 14	2 2 14 14	12 28 8	5	153 247 158
Total.		16	21	21	171	292	189	4	3	21	18	6	516	29	7,402

YORK, 24th July, 1806.

ALEX. GRANT,
President.

1806.
August 22,
Treasury. Harrison to Shee. That the Lords of the Treasury concur in opinion with Windham, that the sum of £1,035.3.1½ should be granted to Kempe, leaving the Government of Upper Canada to fix on lands to that amount. 157
- August 25,
York. Gore to Windham (No. 1). Had arrived on the 2nd, but did not reach York till the 23rd, being detained at Kingston by contrary winds. On the 25th he took on himself the administration of Government. 30
- August 28,
Treasury. Harrison to Shee. That the Commissioners of Transport believe it impossible at this advanced season to ship the goods to pay the Mississaugas for their lands, but that they shall be sent out by one of the first ships in spring; asks if Windham has any objection to this. 159
- August 30,
London. Selkirk to Castlereagh. Sends documents relative to proposal to raise a Highland Fencible Corps in Upper Canada. 161
- Enclosed. Proposal, dated Glengarry, Upper Canada, 9th July, 1806, by John McDonnell, Lieutenant of the County, to raise a Highland Fencible Corps. Can raise at the shortest notice a corps of 500 men, independent of the militia, which numbers 730 strong. 162
- There are two proposals; one is endorsed as an amended report communicated by Miles McDonnell. 164
- The other: "Proposals for U. C. Glengarry Volunteers, by Colonel J. McDonnell." 166
- August 31,
York. Grant to Windham. The administration being now in the hands of Gore, desires to have the salary settled, which he is to receive whilst administrator since the death of Hunter. 31
- Enclosed. Certificate of the Executive Council, that Grant took the oaths of office as administrator on the 7th of September, 1805, during vacancy caused by the death of Hunter. 33
- September 1,
York. Gore to Windham (No. 2). Circular and duplicates received, the originals of the latter received and answered by Grant. 34
- September 1,
York. Same to Shee. Duplicate with estimate received. The latter received by Grant in the original of 31st March. 35
- September 8,
York. Same to Windham (No. 3). The temporary house for the Lieut. Governor has been taken possession of by Bowes as a barrack, under a misapprehension. The manner in which the materials were provided. Shall take possession unless he receive orders to the contrary. 36
- September 10,
York. Russell to same. States that he has served in a military and civil position from the time he left the University of Cambridge; he might furnish testimonials from distinguished officers, but confines himself to the Duke of Portland's letter dated in April, 1799. Had hoped from this letter of approbation that his services would not have been forgotten, and that this would have been strengthened by the recommendations of Clinton and Simcoe. Was, therefore, disappointed that no measures had been taken to prevent the administration from devolving upon any other member of the Executive Council, after he (Russell) had been selected with the King's approbation. His apprehensions of leaving his family subject to the responsibilities of his situation induced him to apply to Camden for some other adequate provision, which might enable him to resign the office of Receiver General. Refers to his application and prays for removal to another office with an equal income, so as to be rid of the great labour, confinement and responsibilities of the office of Receiver General. 167
- September 10,
Treasury. Harrison to Shee. In consequence of the opinion of Windham, the Treasury has authorized the Commissioners of Transport to delay sending out the articles ordered for Upper Canada till next spring. 171
- September 12,
York. Gore to same. Introduces Judge Powell. 172
- September 20,
Downing
Street. Windham to Gore (No. 4). Givens, Indian agent, to be granted a further leave of absence for six months. 39

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1806.

September 24,
Kingston.

Address to Powell by the Grand Jury for the dignified and impartial manner in which he had discharged his judicial functions in the district. Page 217

September 27,
York.

Gore to Windham (No. 4). Asks how the fees of office from the 22nd of January, when he was appointed Lieut. Governor, to the 25th of August, when he was sworn into office, are to be divided between him and Grant. Has been charged, contrary to previous practice, for freight of his baggage from Montreal to York. Asks that an order should be sent to have this charged in the public accounts, instead of to him personally. The military officers stationed in Canada are allowed a certain amount of tonnage free of expense in the King's boats from Quebec and Montreal to the posts in the Upper Province. 40

September 28,
York.

Same to same (No. 5). Dispatches received. The payment of £700 to the Missisnaugus above the sum agreed upon with Claus for their land will have a salutary effect; the lands, besides, instead of containing 70,784 acres, are now found to contain above 50,000. Will be subject to embarrassment at the next meeting of the Legislature, unless an answer is received respecting items of expenditure withdrawn as charged against taxes and duties imposed by Provincial authority. Sees no difficulty in carrying out the regulations respecting the prevention of fraud in the receipt of half-pay or allowances. 43

October 1,
York.

Same to same (No. 6). Describes the character of the population, the state of the roads, the conduct of the Indians, &c. 45
(An extract giving the important part of the letter published in Note D.)

October 8,
York.

Gore to Windham (No. 7). Sends requisition for goods to be used as presents for the Indians. 55

Enclosed. Requisition. 56

October 11,
York.

Gore to Windham (No. 8). Dispatches and circulars received. 60

October 22,
Niagara.

Thorpe to Shee. Had been assiduous since coming to America in gaining and sending information to the secretary, &c. 173
(For letter see Note D.)

October 29,
York.

Gore to Windham (No. 9). Had stated in his letter No. 6 of 1st October, that some discontent existed, fomented by persons who wished to perplex His Majesty's Government, but being a stranger did not venture to say more. Now transmits newspaper, to show what opinions are supported and encouraged by a judge in this Province. 61
(For letter see Note D.)

November 6,
Downing
Street.

Windham to Gore. Transmits copy of paper from Selkirk, pointing out inconveniences which have arisen from conditions attached to his grant of land, and suggesting certain alterations to render the grant available. He also asks to be allowed to enter into a treaty with Mohawks for the purchase of a tract of land on the Grand River. Asks him to bring these subjects before the Council that a full report may be obtained. 67

November 14,
York.

Gore to Windham (No. 10). Has granted Mr. Justice Powell six months' leave of absence. The name of the person appointed agent for the Province in room of Fisher, deceased, has not yet been announced. 68

November 14,
Treasury.

Harrison to Shee. Transmits letter from Grant with the public accounts of Upper Canada, audited, and approved in Council, for Windham's observations. 177

November 20,
York.

Gore to Windham (No. 11). The necessity for a legal adviser, in cases in which it would be improper to apply to the judges; asks that the Attorney General be ordered to repair to the seat of Government without delay. 69

1806.
November 30, York. Wyatt, Surveyor General, to Windham. Enters into an explanation of the reduction of his fees of office and of other regulations, made by the Lieut. Governor without the sanction of the Council, thus interfering with the efficiency of his office. Requests that consideration be given to the subject of his grievances and to Gore's threat to suspend him from office. Page 179
- December 1, York. Thorpe to Shee. Stating his exertions on behalf of Government, &c. 189
Enclosed. Addresses, &c. 197 to 214
(The letter and enclosures in Note D.)
- December 3, York. Gore to Windham (No. 12). Transmits requisition for goods required for a further payment for the lands purchased from the Mississaugas. 70
Enclosed. Requisition. 71
- December 6, York. Gore to Windham (No. 13). Sends correspondence with Brock relative to the payment of the expenses of the Indian Department, and copy of order from the Duke of Portland on the subject. 73
Enclosed. Brock to Gore, dated 9th October, that as the Indian Department in Upper Canada is under the sole control of the Lieut. Governor, all military interference must cease, but to save the inconvenience of a sudden change, will advance the money for payments, charging it to the Civil Government of Upper Canada. The good impression made on his mind by the able management of Claus. 74
Gore to Brock, 20th November. Encloses extract from letter of the Duke of Portland, dated 13th December, 1796, containing directions for the payment of the Indian Department out of the military chest. 76
Portland to Prescott (extract). 78
(The last letter in full is in Q. 77, p. 222.)
- December 11, Downing Street. Windham to Gore (No. 6). Sees no reason to believe that the temporary house for the accommodation of the Lieut. Governor was intended for military purposes. (See Gore's No. 3 of 8th September, p. 36, on this subject.) Sees no reason to disapprove of its being appropriated for the temporary residence of the Lieut. Governor. 38
- December 15, London. Memorial of W. Dummer Powell, for half the salary of the Chief Justice (£1,050) for having acted in that capacity during his absence. 215
- December 30, Treasury. Harrison to Shee. Transmits letter from Grant, with the accounts of Upper Canada, for Windham's opinion. 219
- December 30, Treasury. Same to same. Transmits letter from Grant, with abstracts of warrants on the Receiver General of Upper Canada, for Windham's opinion. 220
1807.
January 5, Downing Street. Windham to Gore (No. 7). The portion of the fees to the Governor or Lieut. Governor, during the temporary administration of the President, is usually half of those received by the latter from the date of the Governor's commission. Shall recommend that the expense of transporting his baggage in the King's boats shall be allowed, and that a proportion of tonnage annually shall be allotted to him (Gore) on these boats. Shall send instructions respecting the application of moneys in the hands of the Receiver General. 65
- No date. Memorial of Mary, widow of Chief Justice Elmsley, stating that her late husband, owing to removal first to York and then to Lower Canada, was obliged at great expense to purchase houses in York and Quebec, besides having had a house built at Newark, and praying that the houses at York and Quebec be purchased by Government for military or other public purposes. 221

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1807.
January 19,
York.

January 19,
York.

January 19,
York.

January 24,
York.

January 27,
York.

February 27,
York.

Q. 306.

LIEUT. GOV. F. GORE—1807.

Gore to Windham (No. 14). Has suspended Wyatt from the office of Surveyor General. The resignation of Thomas Ridout not accepted, and his dismissal by Wyatt not sanctioned. The documents relating to the office and its management enclosed. The necessity for firmness owing to the present opposition in the Province. Page 2

Enclosed. Extract from letter of Wyatt, dated 30th November, 1806, recommending the promotion of Thomas Ridout, and that Charles Willcock should succeed to the clerkship thus left vacant. 8

Report of Council, dated 19th December, 1806. That the wish of Wyatt to displace Chewett and Ridout from their situations in the land granting department should not be agreed to. 9

C. B. Wyatt to Ridout, 31st December, 1806. That after the present half year he is no longer to be attached to the department of the Surveyor General. 11

Report of Council, 2nd January, 1807. That Ridout can only be removed by the orders of the Lieut. Governor, and that Wyatt be directed to report his reasons for dismissing Ridout. 13

Halton, Governor's private secretary, to Wyatt, 2nd January, 1807, desiring him to send his reasons for dismissing Ridout. 15

Wyatt to Halton, 3rd January, 1807. Sends copy of his commission, by which he has the power to conduct the business of his office. 16

Gore to Wyatt, 3rd January, 1807. Ridout to continue to perform the duties of his office; should there be any charges against him, they are to be committed to writing. 18

Wyatt to Gore, 5th January, 1807. That he cannot continue Ridout in his office. 19

Solicitor General's report, 5th December, 1806. That under the commission, Wyatt's powers are restricted, and that the appointments in his office are made by the King or Lieut. Governor, as his representative. 20

Report of Council, 5th January. That Wyatt's letter is a direct disobedience of His Excellency's positive order. Wyatt's commission gives him no power to dismiss clerks from his office. The present occasion is one calling on His Excellency to exert his power. 23

Small to Gore, 16th January. That Wyatt absolutely refuses to make any concession. 25

Gore to Windham (No. 15). Circular letter received. 26

Same to Shee. That letter has been received, stating that \$100,000 were to be sent to Canada in consequence of Craigie's representation. 27

Same to Windham (No. 16). John Mills Jackson may apply for a grant of land. Encloses report by Solicitor General on the conduct of Jackson, who is about to leave for England. Has, therefore, directed the Solicitor General not to proceed in a prosecution against him. 28

Enclosed. D'Arcy Boulton, Solicitor-General, to Gore, 23rd January. The seditious utterances of John Mills Jackson, rendering him liable to prosecution and punishment. Policy prescribes a little relaxation, and His Excellency's system will gradually remove seditious principles. Shall, therefore, refrain from proceeding against Jackson. 29

Gore to Windham (No. 17). Recommends Judge Powell to be appointed a member of the Executive Council. The present composition of the Council. Powell's services, &c. 31

Same to same (No. 18). Additional reasons for the dismissal of Wyatt from his office of Surveyor General. The importance of sustaining the Lieut. Governor in his action. 34

1807.

- Enclosed.* (Document relating to Wyatt and the political condition of the country. Printed in full in Note D.)
- March 7,
Downing
Street.
March 12,
York.
- Windham to Gore (No. 8). Directs that a report be sent whether Elmsley's house be suitable and required for public buildings and to have a valuation made of the same. Page 46
- Gore to Windham (No. 19). The Legislature met on the 2nd of February for the despatch of business; sends copies of speech to the two Houses and their reply. The prorogation took place on the 10th instant; sends copies of speech and addresses. After the violent and turbulent conduct of the Assembly during Grant's administration, it affords him the highest satisfaction that no attempt was made to interfere with the measures or embarrass the Executive Government. The sum of £617 13s. 7d. replaced in the Provincial Treasury; has removed every possible ground of complaint, and the House withdrew its claim to the appropriation of that sum, the resolution being carried with the dissent of Justice Thorpe only, who has uniformly opposed every measure that could promote the peace or strengthen the hands of Government. Believes that next session a sum will be voted for the support of the Civil Government. 48
- Enclosed.* Speech at opening. 50
- Addresses. Council, 52; Assembly, 53. 52, 53
- Speech on prorogation. 57
- March 13,
York.
- Gore to Windham (No. 20). Narrative of the character and conduct of Justice Thorpe. The letter with documents enclosed. 39 to 115
- (Printed in full in Note D.)
- April 1,
York.
- Gore to Shee. Dispatches sent by way of Halifax seldom arrive under five months. Asks that they be directed to the care of Thomas William Moore, agent for the British packets at New York, by these private letters from London are usually received in from seven to eight weeks. 116
- April 22,
York.
- Gore to Windham (No. 21). Has appointed William Chewett, senior surveyor, and Thomas Ridout, senior clerk, to execute the duties of the Surveyor General's Department, in consequence of the suspension of Wyatt. 117
- April 23,
York.
- Same to same (No. 22). Had been obliged, from the general and notorious bad conduct of Joseph Willcocks, Sheriff of the Home District, to remove him from his office and appoint Miles McDonell, late a captain in the Canadian Volunteers to succeed him. Sends five affidavits respecting the conduct of Willcocks. 119
- Enclosed.* 1. Affidavit of George Richard Ferguson. 120
2. Of Ranny L. Besserer. 122
3. Titus G. Simons. 123
4. Joseph Cheniquy. 130
5. John Richardson. 132
- Certificate of H. Allcock of Richardson's good character. 134
- April 24,
York.
- Gore to Windham (No. 23). Sends letter and memorial from William Claus, Deputy Superintendent of Indian Affairs and strongly recommends that his claim should be granted. The constant expense entailed on him by the Indians making use of his house where they live and subsist every time they visit Niagara. 136
- Enclosed.* W. Claus to Gore, Fort George, 14th September, 1806. Sends memorial respecting his present situation as Deputy Superintendent General of Indian Affairs, his salary, duties, &c. 138
- Memorial of same date. 141
- Copy of letter from James Green, Military Secretary, dated 15th December, 1800, respecting his appointment and that General Hunter saw no difficulty, at a proper opportunity, of getting an addition to his present salary to make it equal to that of his predecessor. 144

1807.

May 7,
Downing
Street.May 11,
York.

Castlereagh to Gore (No. 1). Acts (enumerated) passed in Upper Canada in February, 1805, have been considered and do not appear liable to any objection.

Gore to Windham (No. 24). Transmits abstract from the Auditor's docket books of grants of land in Upper Canada, from 1st January to 31st December, 1806. Page 145

ABSTRACT from the Auditor's Docket Books of Grants of Land in Upper Canada which have passed the Great Seal of the Province between the 1st January and 31st December, 1806.

Counties.	No. of Grants.	Districts.	No. of Acres.	Total No. of Grants.	Total No. of Acres Granted.
York.....	155	Home.	32,007½	155	32,007½
Durham.....	10	} Newcastle.	2,146	} 30	7,600
Northumberland.....	20		5,454		
Lincoln.....	48	Niagara.	11,022	48	11,022
Glengarry.....	18	} Eastern.	3,379	} 101	19,520
Dundas.....	41		7,900		
Prescott.....	2		600		
Russell.....	1		200		
Stormont.....	39		7,441		
Grenville.....	17	} Johnstown.	3,454	} 69	14,243
Carleton.....	3		600		
Leeds.....	49		10,189		
Essex.....	52	} Western.	12,313	} 66	16,957
Kent.....	14		4,144		
Middlesex.....	11	} London.	4,524	} 54	16,715
Norfolk.....	27		7,471		
Oxford.....	16		4,720		
Frontenac.....	31	} Midland.	4,500½	} 88	21,910½
Hastings.....	15		4,676		
Lennox and Addington.....	30		8,158		
Prince Edward.....	12		4,576		
Total.....				611	139,975½

Errors excepted.

PETER RUSSELL,
Auditor General.

1807.
May 23,
York.

Gore to Windham (No. 25). Transmits list of the half-pay officers and persons in receipt of military allowances within the Province, also lists of magistrates who have been appointed commissioners for administering the oaths to said officers. Page 150

List of persons appointed Commissioners for the purpose of administering the oath to Officers on half-pay and military allowances residing in the Province of Upper Canada, accompanied with the signatures of each, in his own handwriting; formed in obedience to the orders and regulations contained in a circular letter from the Right Honourable William Windham, one of His Majesty's Principal Secretaries of State, to Lieut. Governor Gore, dated Downing Street, 1st June, 1806.

Names of Commissioners.	District for which they act.	Signatures in their own handwriting.
John McDonald, of Glengarry House.	Eastern.	a
John McDonell, of Scohouse.		b
John Stuart.		c
Edward Jessup.	Johnstown.	d
William Fraser.		e
Joel Stone.		f
Thomas Dorband.	Midland.	g
Archibald MacDonell.		h
Hazleton Spencer.		i
Alexander Chisholm.	Newcastle.	j
John Bluchere.		k
Robert Baldwin.		l
William Allan.	Home.	m
Alexander Wood.		n
Richard Hall.		o
John Warren, sen.	Niagara.	p
Robert Kerr.		q
Richard Beasley.		r
Samuel Street.	London.	s
Thomas Cummings.		t
Joseph Edwards.		
Thomas Talbot.	Western.	
Samuel Ryerse.		
Nathan B. Barnum.		
Angus Mackintosh.		
Gregor McGregor.		
Alexander Duff.		

FRANCIS GORE,
Lt. Governor.

YORK, UPPER CANADA,
23rd April, 1807.

1807.

officers and
Province, also
for admin-
Page 150

of adminis-
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RE,
Governor.

List of half-pay Officers and persons on military allowances in the Province of Upper Canada, formed from the returns of the said Officers, in obedience to the orders and regulations contained in a circular letter from the Right Honourable William Windham, one of His Majesty's Principal Secretaries of State, to Lieut. Governor Gore, dated Downing Street, 1st June, 1806.

No.	Names.	Rank and Corps, &c.	Age.	District in which they reside.	Periods from which they had been in the receipt of half-pay.
1	Anderson, Samuel.	Captain, King's Royal Regt., New York, 1st Battalion.	67	Eastern	Dec. 25, 1783
	Anderson, Joseph.	Lieut. do do	45	do	do 25, 1783
	Adams, Gideon.	Lieut., Royal Rangers	52	Johnstown.	In 1783
	Adams, Samuel.	Military allowances.	77	do	Since 1783
5	Anderson, Peter.	Ensign, Roger's Rangers	65	Home.	In 1783
	Arnold, Henry.	Lieut., Amer. Legion of Cavalry	34	Johnstown.	In 1783
7	Arnold, Richard.	do do	37	do	In 1783
8	Ball, Jacob.	Lieut., Butler's Rangers	73	Niagara	June 25, 1784
	Bowen, William.	Lieut., Six Nation Ind. Dept.	66	Midland	do 25, 1784
10	Butler, Johnson.	Ensign, 102nd Regt. of Foot.	66	Niagara	1783 or 1784
	Bradt, Andrew	Captain, Butler's Rangers.	57	do	In 1784
	Ball, Peter	Lieut. do do	51	do	June 25, 1784
	Brant, Joseph	Captain, Indian Dept.	62	Home.	In 1787
	Brass, David.	2nd Lieut., Butler's Rangers	56	Midland	In 1784
15	Breakenridge, David	Ensign, King's Rangers.	43	Johnstown.	In 1783
	Breakenridge, Jas.	Lieut. do	50	do	In 1783
	Bottum, Elijah	Ensign, Loyal Rangers.	48	do	In 1783
	Buell, Wm.	Ensign, King's Rangers.	55	do	In 1783
	Burns, Alex.	Paymaster, Queen's Rangers	55	Home.	Feb. 24, 1803
20	Butler, Thomas.	Lieut., Butler's Rangers	51	Niagara	June 25, 1784
	Bethune, John	Chaplain, 84th Regt., 1st Batt.	51	Eastern	do 25, 1784
	Campbell, Donald.	Captain, York Rangers	51	Niagara	do 25, 1784
	Chapman, Amos.	Quarter-Master, British Legion	50	do	Oct. 24, 1783
	Clement, Joseph.	Lieut., Six Nation Indian Dept.	55	do	June, 1784
25	Crawford, Wm.	Ensign, King's Royal Regt., New York, 2nd Battalion.	38	Midland	June 25, 1784
	Church, Oliver	Lieut. do do	50	do	do 25, 1784
	Campbell, Jas.	Ensign, Loyal Rangers	55	Johnstown.	In 1783
	Clement, John	Lieut., Six Nation Indian Dept.	47	Niagara	June 25, 1784
	Caldwell, William.	Captain, Butler's Rangers	52	Western	July 24, 1784
30	Clench, Ralfe.	Lieut. do	43	Niagara	June 24, 1784
	Dusenbury, John.	Ensign, Jessup's Corps.	53	Midland	In 1784
	Drummond, Peter.	Captain, Loyal Rangers.	56	Johnstown.	In 1783
	Dulmage, John.	Lieut. do	61	do	In 1783
	Diemarde, Augustus	Ensign, Loyal Am. Regt.	40	do	Oct. 25, 1783
35	Elliott, Matthew.	Capt., Six Nation Indian Dept.	55	Western	In 1784
36	Funiamore, Richard.	Ensign, West Jersey Volunteers	64	London	In 1783
	Fravies, William.	Quar. Master, Amer. Dragoons	52	do	Oct. 24, 1783
	Frey, Bernard	Captain, Butler's Rangers	57	Niagara	June 25, 1784
	Fraser, Thomas	Captain, Loyal Rangers	58	Johnstown.	In 1783
40	Fraser, William.	Captain do	60	Eastern	In 1783
	French, Jeremiah.	Lieut., King's Royal Amer. New York, 12th Batt.	63	do	June 24, 1784
	Fulton, Thomas.	Capt., King's Amer. Dragoons	47	Home.	Oct., 1783
	Fanning, Barclay.	Lieut., Amer. Regt. of Foot.	44	Niagara	Oct. 24, 1783
	Gamble, John.	Surgeon, Queen's Rangers.	44	Midland	Dec. 24, 1802
45	Graham, William.	Capt., D. of Cumberland Provl. Regt	51	Home.	Aug. 25, 1783
	Herschfeldt, John.	Provincial Officer.	62	Midland	June 2, 1786
	Hare, Peter.	Captain, Butler's Rangers	60	Niagara	In 1784
	Hutchinson, William	Captain, New Jersey Vols	61	London.	Oct. 25, 1783
	Johnston, William.	Lieut., Six Nation Indian Dept.	46	State N. York	In 1783
50	Johnston, William.	Captain do do	68	Midland	In 1784
	Jessup, Edward.	Major, Loyal Rangers	70	Johnstown.	Dec. 24, 1783
	Jessup, Edward, jun.	Lieut. do	40	do	do 24, 1783
	Johnson, Brant.	Lieut., Six Nation Indian Dept.	62	Niagara	In June, 1784
	Jessup, Joseph.	Captain of Loyalists	69	Johnstown.	Dec. 24, 1783

1807.

List of half-pay Officers and persons on military allowances, &c.—*Con.*

No.	Names.	Rank and Corps, &c.	Age.	District in which they reside.	Periods from which they had been in the receipt of half-pay.
55	Kerr, Robert	Surgeon, 2nd Batt. King's R.R., New York.		Niagara	
	Lippencolt, Richard	Provincial Officer	61	Home	Dec. 25, 1787
	Lawson, William	Ensign, Loyal Rangers	53	Johnstown	In 1783
	Monro, John	Lieut., New Jersey Vols.	48	London	In 1783
	Meyers, Jno. William	Captain, Loyal Rangers	61	Midland	Dec. 25, 1783
60	McNab, Allan	Lieut., Queen's Rangers, Light Dragoons	46	Home	Nov. 24, 1783
61	Merritt, Thomas	Cornet, Queen's Rangers, Dragoons	46	Niagara	do 24, 1783
	McDonell, Archibald	Lieut., 84th Regt., 1st Batt.	57	Midland	June 24, 1784
	McDonell, Miles	Ensign, King's R. Regt., 1st Batt., New York	39	Eastern	Dec. 24, 1783
	McDonell, Allan	Lieut. do do	62	do	do 25, 1783
65	McNabb, Colin	Ensign, Rl. Nova Scotia Vols.	42	Niagara	Since 1783
	Magin, George	Lieut., Six Nation Indian Dept.	51	Midland	June 25, 1806, perhaps 1784
	McMartin, Malcolm	Lieut., King's R. A., New York, 1st Batt.	59	Eastern	Dec. 25, 1783
	McMillan, Alexander	Lieut., Genl. Delancey's Regt., 1st Batt.	50	do	Oct. 25, 1783
	McLean, Niel	Lieut., 84th Foot	46	do	June 25, 1784
70	McDonell, Angus	Lieut., D. of Cumberland's Provl. Rt. of Foot	55	do	In 1783
	McDonell, John	Captain, Butler's Rangers	48	do	do 24, 1784
	McDonell, John	Captain, King's Rl. Rt., N. York	79	do	Dec. 25, 1783
	McDougall, Rt. John	Lieut., 8th or King's Regt. Foot	42	Western	June 25, 1783
	McDonell, Alexander	1st Lieut., Butler's Rangers	44	Home	In 1784
75	Nellis, Robert	Lieut., Six Nation Indian Dept.	45	Niagara	June 25, 1784
	Pawling, Benjamin	Capt.-Lieut., Butler's Rangers	57	do	do 25, 1784
	Peters, John	Ensign, Loyal Rangers	44	Newcastle	Dec. 25, 1783
	Playter, George	Provincial Officer, Military allowances	68	Home	Mar. 25, 1796
	Parret, James	Lieut., Loyal Rangers	66	Midland	In 1784
80	Reyerson, Joseph	Lieut., Prince of Wales Am. Rt.	44	London	Oct. 25, 1783
	Ryser, Samuel	Capt., 3rd Bat. New Jersey Vol.	54	do	In 1784
	Reynolds, Caleb	Lieut., Butler's Rangers	51	Niagara	Since 1784
	Ryckman, John	Lieut., Indian Department	50	do	In 1784
84	Rosk, Odel James	Ensign, 103rd Regt. of Foot	49	do	In 1783
85	Robinson, James	Lieut., Loyal Rangers	68	Midland	Dec., 1783
	Stephenson, Francis	Captain, Queen's Rangers	56	Niagara	In 1783
	Stewart, Alexander	Lieut., King's Am. Dragoons	47	do	In Oct., 1783
	Simmon, Henry	Lieut., Jessup's Corps	66	Midland	In 1784
	Spencer, Hazleton	Lieut., King's R. R., 2nd Batt., New York	49	do	June 25, 1784
90	Stuart, John	Chaplain do do	67	do	June, 1784
	Sharp, Gaysbart	Lieut., Loyal Rangers	67	do	In 1783
	Smith, Thomas	Ensign, King's R. A., N. York	45	Johnstown	In 1783
	Sherwood, Thomas	Ensign, Loyal Rangers	60	do	In 1783
	Snyder, William, sen.	Ensign do	69	do	In 1789
95	Shaw, Aeneas	Captain, Queen's Rangers	52	Home	Dec. 25, 1783
	Servas, Jacob	Lieut., Six Nation Indian Dept.	52	Niagara	June 25, 1784
	Shannon, Daniel	Ensign, N. Jersey Vols., 2nd B.	53	do	Dec. 25, 1783
	Turney, John	Lieut., Butler's Rangers	64	Niagara	In 1784
	Thompson, Timothy	Ensign, King's R. R., N. York	43	Midland	June 25, 1784
100	Tupper, Edward	Lieut., Guides and Pioneers	57	Johnstown	In 1783
	Tyler, William	Lieut., King's Rangers	63	London	Dec. 25, 1783
	Trumpour, Paul	Ensign, Delancey's Loyalists	48	Johnstown	In 1783
	Vincent, Elijah	Ensign, Guides and Pioneers	44	Niagara	Dec. 25, 1783
	Van Allan, Henry	Ensign, New Jersey Vols.	39	London	Oct. 24, 1783
105	Wright, Edward	Quarter-Master, Queen's Rangers, Cavalry	64	Home	In 1783
	Welch, Thomas	Q.-Master, Maryland Loyalists	63	London	In 1783
	Williams, Jonathan	Captain, Guides and Pioneers	55	do	Oct. 24, 1783
108	William, Hynant	Provincial Officer, Military allowances	51	do	In 1791

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&c.—*Con.*LIST of half pay Officers and persons on military allowances, &c.—*Con.*

Periods
from which
they
had been
in
the receipt of
half-pay.

No.	Names.	Rank and Corps, &c.	Age.	District in which they reside.	Periods from which they had been in the receipt of half-pay.
109	Young, Henry	Lieut., King's R. R., N. York.	68	Midland	June 24, 1784
110	Young, John	Lieut., Indian Department...	64	Niagara	Since 1784

YORK, UPPER CANADA,
23rd April, 1807.

FRANCIS GORE,
Lt. Governor.

June 15,
York.

Gore to Windham (No. 26). Recommending that some remuneration should be given to Colonel Shaw, who had lost his full pay when the Queen's Rangers were reduced in 1803, and had either to lose his half-pay or his seat in the Executive Council, which latter he had resigned, but acted without salary by special request. Page 162

June 16,
York.

Same to same (No. 27). Transmits Acts to which the Royal assent was given at the close of the third session of the fourth Parliament of Upper Canada. 166

June 17,
York.

Enclosed. Schedule of the Acts passed. 167

Same to same (No. 28). Transmits the signature of John McDonell, one of the commissioners for administering the oaths to half-pay officers. 170

June 18,
York.

Same to same (No. 29). Transmits memorial of John McGill, Inspector General of Public Accounts, which is so reasonable that he approves of the report of the Executive Council respecting it, and has allowed the Inspector General to make a charge for a clerk and office rent. The salary is inadequate to the importance of the duties. His satisfaction, after complaining of the conduct of some of the officers, to present McGill to his (Windham's) notice, as a diligent, able and faithful servant of the Crown and a most worthy and honourable man. 171

Enclosed. Report of the Executive Council that the prayer of McGill's memorial is reasonable and just, and that the salary is, besides, inadequate to the labour and importance of the employment. 173

McGill's memorial. 175

June 19,
Downing
Street.

Castlereagh to Gore (No. 2). The well grounded reason for suspending Thorpe from the office of Judge in Upper Canada; he is, however, to be told that another professional situation may be found for him under the assurance that he will confine himself to the duties of his profession. The suspension of Wyatt approved of. Cannot understand Brock's objections to continue the payment of the expenses of the Indian Department. The address of the Assembly relative to certain moneys which had been appropriated out of the Provincial revenue, with other papers, referred to the Solicitor and Attorney General; their opinion enclosed. Is happy to find that he had followed the course recommended by the law officers. The necessary requisition has been made for the supply of stores for the Indians. Has laid before the King the recommendation to give Powell a seat in the Executive Council. Firth, appointed Attorney General, will deliver this despatch. 206

Same to same (No. 3). Transmits two memorials praying that some legislative provision may be made to render lands in the Canadas liable for the payment of simple contract debts. 209

June 19,
Downing
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June 22,
York.

Gore to Windham (No. 30). Recommends McGill as successor to Shaw in the Executive Council, and that Mr. Justice Powell should be appointed an honorary member. Page 178

June 26,
York.

Same to same (No. 31). The inconvenience that may arise to the public service from the Lake Marine being under military control. Requests that instructions be given to invest the Lieut. Governor or administrator with the power of giving special orders to the officers commanding the vessels, as to the time of these sailing, and of despatching them in cases of emergency on the public service. The great distance from Quebec prevents the possibility of communicating with the Commander-in-Chief in any reasonable time for cases of emergency, whilst vessels are lying at Kingston idle. 180

June 28,
York.

Same to same (No. 32). Transmits memorial from Jarvis, secretary of the Province, and report of Council, and is satisfied that the claim is just. How it could be met. 183

Enclosed. Report of Council on memorial by Jarvis. 185

Memorial, which shows a loss to the memorialist on patents for land grants of £715. 187

Reference to Council. 191

July 1,
York.

Gore to Windham (No. 23). Acknowledges receipt of dispatches. The March mail lost in the River St. John. 192

July 1,
York.

Same to same (No. 34). Transmits report of the Executive Council on a memorial from Lord Selkirk for certain lands reserved for him in Upper Canada. Refers to the report for the conditions laid down by Hobart and the danger of changing the general rules in favour of an individual. 193

Enclosed. Report of the Executive Council on Selkirk's memorial, which enters into minute details of the conditions, the effect of changing the general principles of granting land, &c. 196

August 14,
York.

Gore to Cooke. It would render the Province a service were the *mandamus* to be made out and forwarded for McGill and Powell, recommended for seats in the Executive Council. Affairs at present quiet, but what the sovereign people in America may think proper to do it is almost impossible to imagine. Emmett is very busy and has some warm admirers in the Province. 210

August 21,
York.

Same to Castlereagh (No. 2, letter No. 1 is in Q. 308, p. 1.) Respecting the conduct of Justice Thorpe, with ten enclosures. 212 to 234
(The letter with enclosures printed in full in Note D.)

LIEUT. GOV. F. GORE. JOURNAL OF LEGISLATIVE COUNCIL, 1807.

Q. 307.

Journal of Legislative Council, Upper Canada, 2nd February to 10th March, 1807. Page 2 to 70

Statutes of Upper Canada, same date. 71 to 127

LIEUT. GOV. F. GORE. JOURNALS OF LEGISLATIVE (EXECUTIVE) COUNCIL, 1807.

Q. 308—1. Q. 308—2.

1807.

August 14,
York.

(Q. 308—1 contains 238 pages; Q. 308—2 begins at page 259.)

Gore to Castlereagh (No. 2). Transmits minutes of the Executive Council on State matters from 2nd January, 1805, to 25th August, 1806, and on land matters from 2nd January, 1805, to 19th August, 1806. Page 2

(For letter No. 2 of 21st August, 1807, see Q. 306, p. 212.)

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successor to	Minutes, 2nd January, 1805. Respecting fees on land unpaid. Page 3	
should be	Report of Council on fees unpaid.	5
Page 178	Notice to those in arrear.	6
rise to the	Minutes, 28th January. Auditing accounts.	7
ry control.	Minutes, 29th January. Auditing accounts continued.	10
governor or	Minutes, 31st January. Order that certain sums improperly charged	
the officers	by officers of the land granting department be repaid to Government.	12
of despatch-	Minutes, 9th February. Proposed proclamation offering a reward of	
the great dis-	\$400 for the discovery of the perpetrators of the attack on the house	
g with the	and person of Benajah Mallory of the township of Burford.	13
emergency,	Proposed proclamation, which states that "on the 28th of January	
180	"last past, a most daring and wicked attack was made upon the house	
, secretary	"and person of Benajah Mallory of the township of Burford, in the dis-	
he claim is	trict of London, Esquire, by certain evil and wicked disposed persons	
183	"or persons as yet unknown, in discharging firearms through the win-	
185	"dow of the said house, loaded with shot and ball, whereby the life of	
ats for land	"the said Benajah Mallory then being therein was in imminent hazard	
187	"and danger," and offering a reward of \$400 for the discovery of the	
191	perpetrators of the crime.	14
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192	Minutes, 2nd March. Auditing accounts.	17
ive Council	Minutes, 12th March. Auditing accounts continued.	20
for him in	Agreement with William Smith, carpenter, of York, to build a bridge	
d down by	over the River New or Rouge in the township of Pickering.	20
avour of an	Minutes, 15th March. Auditing accounts.	23
193	Minutes, 10th April. Commission appointing Thomas Scott a member	
memorial,	of the Executive Council.	25
f changing	Letter on a proposal by the Midland, Eastern and Midland districts	
196	to apply the money allowed them for the repair of roads towards	
e were the	rebuilding a bridge over the River Rouge, which offer has been de-	
ell, recom-	clined.	27
sent quiet,	Reference respecting half yearly accounts for half fees to be changed	
r to do it is	to quarterly accounts.	28
ome warm	Reference on error in the fees on land patents.	29
210	Report of Council in the same.	30
) Respect-	Proposed proclamation warning unlicensed occupants of lands to	
212 to 234	remove from the same under penalty.	31
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	lished.	33
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	West Gwillimbury, the payment of which had been suspended by the	
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	vations on the half fee account.	49
	Minutes, 29th April. Authority to John Beikie to continue to act as	
	deputy clerk of the Council, although the six months' leave of absence to	
	Small had expired.	51
	Auditing accounts.	52
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	ral continued.	57

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Minutes, 25th May. The sum of £25 currency authorized to be advanced to the commissioners, (William Allan and Duncan Cameron, of York) for repairing roads in the Home district.	70
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65	Minutes, 18th February. Proclamation offering a reward for the	
, respecting	discovery of the persons who committed "a most daring assault and	
66	"burglary on the person and in the dwelling house of Isaac Swazy,	
ppointed to	"Esquire, in the township and district of Niagara, by certain persons in	
to the Com-	"disguise and unknown, on the night of the 28th day of January last	
68	"past, by violently assaulting, wounding and bruising the said Isaac	
ed to be ad-	"Swazy, and by breaking, opening and feloniously taking and carrying	
Cameron, of	"away large sums of money from his said dwelling house." The Coun-	
70	cil recommended the reward offered to be \$600.	156
71	Minutes, 1st March. Audit continued.	158
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e Surveyor	be reimbursed the expense of cases and tables for the use of the	
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87	Minutes, 11th March. Reference to Council of certain reports, &c.,	
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LIEUT. GOV. F. GORE. MINUTES OF LEGISLATIVE (EXECUTIVE) COUNCIL.
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Q. 309-1, 2.

1807.

Continuation of minutes of Council on land matters, from 25th
February to 19th August, 1806. (3 to Q. 309-2.) Page 293
(Names in alphabetical list.)

August 31,
Downing
Street.

Castleragh to Gore. Sir James Henry Craig appointed Commander
and Governor-in-Chief of Upper and Lower Canada, New Brunswick,
Nova Scotia, Prince Edward Island and Cape Breton. Copies of his
commission and instructions transmitted for guidance, so far as respects
Upper Canada. 294

(The commissions and instructions are not with this letter.)

1807.

September 6,
Montreal.

Gore to Castlereagh (No. 3). The command of the forces in Upper Canada assumed by Colonel Bowes on the death of Hunter and by Brock on the departure of Bowes. In consequence of recent occurrences in the United States, had gone to Montreal to consult with Brock, to make arrangements for the protection of Upper Canada. It having been decided that he (Gore) was responsible, he had taken upon himself the command of the forces in Upper Canada, and would report the measures he had thought it necessary to pursue under the circumstances.

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October 1,
York.

Gore to Castlereagh (No. 4). Sends minutes of Council on State matters, from 4th September, 1806, to 5th August, 1807.

297

Minutes, 4th September. Terms on which Jarvis will hold or transfer the lands on the Grand River purchased from the Indians.

298

Minutes, 8th September. Reference for the consideration of the incidental fees which ought to be reasonably allowed to the respective officers of the land granting department.

299

Reference relative to the Surveyor General retaining two and a-half per cent on all moneys received on account of surveys.

300

Minutes, 9th September. Further references respecting fees on land grants.

301

Minutes, 12th September. Report on the retention of the two and a half per cent by the Surveyor General not allowed by order of 13th January, 1804.

303

Minutes, 30th September. Report of Council on incidental fees.

304

Minutes of 21st October. Specifications of grants and distribution of fees laid before the Council.

309

Minutes, 28th October. Reference to Council whether the names of a certain class of persons should not be inserted in the U. E. list.

311

Report of Council thereon.

312

Minutes, 31st October. Proclamation founded on report of Council on reference of 28th October.

314

Minutes, 11th November. Reference to Council of deed of conveyance, &c., of lands purchased from the Mississauga Indians in the Home district.

318

The deed and other documents follow.

319 to 347

Petition from Thomas Ingersoll for a lease of the Government House and land at Port Credit, to be used as an inn.

348

Condition of the lease.

349

Minutes, 18th November. Auditing accounts.

350

Minutes, 2nd December. Statement of fees received by the Secretary, between 1st July and 30th September, 1806.

353

Inspection of the land granting offices ordered, and the method of proceeding given.

354

The inspection of the Secretary's office deferred.

356

Consideration ordered of the security to be divided by the Indians from the sale to Philip Stedman of lands on the Grand River.

357

Report of Council on the same.

358

Minutes, 4th December. Warrant appointing John Small to be Clerk of the Crown and of the Common Pleas.

360

Letters patent of the appointment.

361

Oaths taken by John Small.

363

Minutes, 19th December. The proposal of Wyatt to displace Chewett and Ridout from their situations in the Surveyor General's office, referred to Council.

364

Report on the same.

365

Minutes, 2nd January, 1807. Letter from Wyatt to Ridout, dismissing from his situation, referred to Council.

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Letter.

Report that Ridout can be removed only by authority of the Lieut. Governor from his situation, and that the Surveyor General should be called upon to give his reasons for writing the said letter to Ridout. Page 368

Minutes, 5th January. Meeting to be called to consider and report on a letter from the Surveyor General, C. B. Wyatt. 369

The letter stating that Ridout cannot remain in his situation. 371

Report of Council, that Wyatt's letter is a direct disobedience of orders. 371

His commission gives him no power to remove clerks from his office, they being placed there and paid by the Crown. The letter containing order to continue Ridout in office follows. 372

Minutes, 13th January. Specifications and distribution of fees laid before the Board. 375

Auditing accounts. 376

Minutes, 27th January. Petition for leave to erect a grist and saw mill at the Kingston mill sent, not recommended by Council. 377

Minutes, 28th January. Auditing the Receiver General's accounts. 378

Other accounts audited. 381

Minutes, 5th February. Correspondence relative to the survey of Gosfield and Colechester, referred to Council. 386 to 396

Report of Council, that the survey of Colechester, Gosfield and Mersén, cannot be recommended at the advanced price for labourers employed. 397

Minutes, 9th February. Auditing accounts. 398

Minutes, 11th February. Letter from McGill, Inspector General of Accounts, referred to Council. 399

Letter stating the nature of the work, that out of his salary he had been obliged to pay a clerk and office rent, and requesting that these should be allowed and that he should be put on the same footing as the Inspector General in Lower Canada. 400

Report of Council, that the prayer of McGill's memorial is just and reasonable, and that, even if it be granted, the salary attached to the office is inadequate. 403

Minutes, 17th February. Petition of William Bates for a lease for twenty-one years of the Government House at the head of Lake Ontario. 404

Petition. 405

Council cannot recommend a lease. 407

Minutes, 21st February. Auditing accounts. 408

Minutes, 26th February. Speech from the Five Nations on the Grand River desiring that Thomas Clark, of Queenston, be allowed to purchase block 4 on the Grand River, referred to Council. 409

Affidavit of William Dickson, that the annexed speech was delivered by Joseph Brant in name of the Indians on the Grand River at their public council. 410

Speech. 411

Report of Council, recommending that a grant issue to Clark. 417

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Minutes, 11th March. Report of Council, recommending the payment to Thomas Smith of an excess in the pay of labourers for the survey of Mersén. 420

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Report of Council, that the secretary is entitled to the recommendation asked for and for the loss sustained (see p. 427) in completing a certain number of other patents in which alterations were thought necessary. He should also be remunerated for the additional expense of supplying parchment instead of papers when patents are ordered to be so engrossed. 429

Minutes, 24th March. Reference of petition from Alexander McDonell, and recommending he should get the Salt Springs at Louth as requested. 431

Petition. 432

Report of Council, recommending that inquiry be made of Rev. Mr. Addison, by what title he holds the Salt Springs in question. 435

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No. 2. Speeches on 9th November, 1806. 454

No. 3. Letter, 25th March, 1807. 465

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(The speeches, letters, &c., relate to claims of Indians to lands on the Grand River.)

Letter from Rev. Robert Addison on his title to the Salt Springs. 471

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Patent to Thomas Clark of Queenston for block 4, approved of and patent ordered to be issued. 473

Correspondence relating to broken lots 10 and 11 on the Humber, ordered to be sold with the King's mill there. 474 to 476

The lots not being of the importance believed, the order of 25th June, 1799, is rescinded. 477

Minutes, 17th April. In consequence of the surrender of block 5, the Indians are to nominate a person in whose name a patent shall issue for the same. 477

Minutes, 28th April. Petition of Isaac, Jacob and Daniel Fraser, for a lease for twenty-one years of the Kingston mill stream, on conditions stated in the petition. 478

On petitioners giving security for the fulfilment of the conditions, &c., the lease recommended to be granted. 480

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Order to Small, clerk of the Executive Council, that the clerks are to be paid by warrants on the Receiver General. 481

Grant of land on the Grand River surrendered by Jarvis. 482

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Minutes, 4th May. Memorial of David Penfield for a patent for land on the Grand River bought from the heirs of the late Philip Stedman, and on which money has been paid in 1802. 487

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Minutes, 25th June. The Lieut. Governor has allowed the Inspector General of Accounts £140 Halifax currency salary for a clerk and £40 same currency for rent of an office. 492

Report of a Council of Indians at Fort George on 29th May, 1807, respecting lands. 493

*Petition of
Isaac, Jacob &
Daniel
Fraser*

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Patent to the Earl of Selkirk recommended to be prepared for block 5, containing 30,800 acres of lands belonging to the Five Nations on Grand River, in accordance with the conditions specified in the foregoing Council.

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Harrison to Cooke. Sends application from Russell to be paid arrears of salary, so that the opinion of Castlereagh may be obtained thereon. 161

F. Freeling to same. Thanks for the consideration shown to Ridout. Hears that Chewett and he have been appointed joint Surveyor General. 162

Wyatt to Castlereagh. Desires to obtain the precise form of the charges made against him, so that he may vindicate his character. 164

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Memorial of Justice Powell. For remuneration for the extra labour in determining on the claims arising under Royal grants. Thinks £1,000 would not be deemed inadequate. 179

A note follows that he proposes to sail on or about the 1st of August, and asking that the application be settled either favourably or unfavourably. 182

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August 7, Treasury. Table of fees annexed to the Order-in-Council. 239
Harrison to Cooke. In reference to letter from Commissary General Coffin, the Treasury desires to know the opinion of Lord Castlereagh, whether it may not be expedient to provide at Montreal the goods intended for the payment of the lands purchased from the Missisauaugas. 243
August 7, London. Memorial from William Bond. Had been employed by the Agricultural Society of Upper Canada to lay before the Board of Arts, &c., plan for encouraging agriculture, the cultivation of hemp, &c., in Upper Canada. Desires to return and requests for remaneration. 245
August 7, London. William Bond to Cooke. Transmits petition for presentation. 249
August 13, London. Powell to Adam Gordon. Thanks for his kindness. The failure of his (Powell's) mission. Urges the payment of his arrears to save him from the distress in which he is involved by domestic misfortune. 250
August 14, York. Thorpe (unaddressed). Further about his grievances. 252
Enclosed. Brant to Claus, Niagara, 2nd July. 262
Meeting of the electors of the Counties of York, Durham and Simcoe, 24th July, 1807. 266
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August 18, London. Wyatt to Castlereagh. Requesting that he may be paid his salary as Surveyor General and the usual emoluments, until it may be ascertained that he is unworthy of that indulgence. 270
August 18, London. King to Cooke. In considering the correspondence relative to Powell's increase, he believes it was intended to augment his salary some time before this was carried into effect; that no promise was made that it should take effect on 1st January, 1797, and that objections arose to its being inserted in the estimates before 1st January, 1799. 276
Enclosed. Copy of correspondence referred to in letter. 277
August 19, Oldham. Petition of labourers in Lancashire to be assisted to emigrate to Upper Canada, there to receive allotments of land. If the petitioners are encouraged there will be a great number more. 279
August, London. Powell to Gordon. Sends returns of the population, &c., of one of the districts of Upper Canada, with a rough estimate of the probable strength of the militia. 282
Enclosed. Return of population in the Midland District. 283
General account of the rateable property in the same. 284
Report of Privy Council, approving of an Act to authorize sheriffs to levy all necessary costs in suits before Courts in Upper Canada. 286
August 28, Downing Street. Castlereagh to Wyatt. The explanation of the charge of erasing the name of a grantee and substituting his own appears to be satisfactory, but it must be transmitted to Gore for consideration and reply. During suspension, he is not entitled to salary. 274

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October 1,
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October 4,
York.

October 1,
York.

October 7,
York.

Harrison to Cooke. To move Castlereagh to send orders to the Governor of Upper Canada, to provide goods to pay for the lands purchased from the Mississaugas.

De Puisaye to ——. Is unable at present to wait upon him. M. Dallegre can explain the state of affairs respecting the settlement in Upper Canada. Asks his influence to obtain for him a Royal patent for lands acquired from the Mississaugas.

John Mills Jackson to Castlereagh. The grievances of Upper Canada.

(Printed in Note D.)

Wyatt to Cooke. Asks to be furnished with authority to obtain certified copies of the official documents specified in a list, as this is the only evidence he can procure when at this distance from Canada, so as to vindicate his character. The payment of his salary is of importance, but less so than the rescue of his character from imputations on his probity. Hopes that the suspension will not be confirmed till he is appointed to another office. Calls attention to the large expenses he has incurred in transporting himself, family, &c., to and from Canada; hopes, therefore, he may be allowed his salary for the office in Upper Canada, until he shall receive another situation.

Enclosed. List of papers referred to in the letter.

Thorpe to Cooke (?). Continuation of correspondence respecting affairs in Upper Canada.

Same to same. Calls attention to the protest of the bills drawn last January for his salary, owing to the want of a formality never before declared to be necessary. The ruin to his credit, the large legal expenses, &c.; his distressed condition.

Wyatt to same. Desires to see him in reference to his salary.

Fawkener to same. The Lords of Trade recommend that William Bond should receive, either in Upper or Lower Canada, 200 acres of land to conduct the cultivation of hemp.

Claus to Coutts & Co. That he has drawn for £400 interest on the money deposited with them on account of the Indians.

Gore to Watson. On the affairs of Upper Canada.

Enclosed. Wyatt to Thorpe, dated Dublin, 19th May, 1807.

Remarks by Gore.

Wyatt to Baldwin, dated London, 15th June, with remarks by Gore.

Information by Mrs. Wyatt.

(The letter with enclosures printed in Note D.)

A list of members of the House of Assembly of Upper Canada enclosed in Gore's letter (p. 325) dated as in margin.

Gore to Castlereagh (No. 5). Had stated that he had taken the command of the forces in Upper Canada, Brock having declined to take the responsibility for future measures there. Encloses copy of a dispatch from Vice Admiral Berkeley. Has thrown supplies of provisions into the posts of Amherstburg and St. Joseph's on account of the Indians, who had neglected their corn fields, expecting to be called out to war by the British Government. But for the conduct of Claus and other officers of the Indian Department, the Indians would have made war upon the Americans some time since. Has directed a general council of the Western Indians to be held at Amherstburg. By the time it can be assembled, conceives the determination of the two Governments may be known. Reports the deficiency of arms for the militia. Has obtained a supply from Brock of only 4,000 stands. Has, therefore, refrained from

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calling out the militia that the Americans may not be acquainted with the weakness. The regular forces do not amount to more than 400 men.

Page 2

Enclosed. Vice Admiral Berkeley to Gore, Halifax, N.S., 17th August, 1807. His advices from Washington show the probability of war between Britain and the United States. The necessity of being prepared. There is a secret agreement that if the events of war should put the Americans in possession of the British colonies in America, they are to be transferred to France, or erected into a separate kingdom governed by a Frenchman.

5

Claus to McKee. York, 7th October. By desire of Gore the Western Indians are to be assembled for a council as soon as possible.

7

October 8,
York.

Gore to Castlereagh (No. 6). Sends requisition for goods for Indian stores.

9

Enclosed. Requisition 9a to 9c. (The requisition is dated the 8th, the original letter is dated the 1st, an evident error as appears by its number and the date on the requisition.)

October 10,
Downing
Street.

Castlereagh to Gore (No. 3). Royal assent given to reserved Act. The other Acts (named) do not appear liable to any objection.

10

October 13,
York.

Gore to Castlereagh (No. 7). The discontent of the Indians at not receiving their dividends, and the use made of it by designing persons. Claus will draw on the bankers for the estimated amount of interest. Asks that the bill be not protested. The sum has been advanced to the Indians with his (Gore's) approbation.

13

October 28,
London.

W. D. Adams to Cooke. That a bill has been drawn on him by Messrs. Chewett and Ridout, for the moiety of salary of Surveyor-General of Upper Canada, which he cannot pay without an order from Castlereagh. Requests that this be sent.

377

November 11,
Gloucester.

Jos. A. Small to Cooke. Hears that 1,200 acres have been granted to Bond in Upper Canada; this will enable him to cultivate hemp and rabbits; as soon as his grant is made out he will return to Canada. Castlereagh's state of health; hopes his health will soon be perfectly re-established.

379

November 14,
York.

Gore to Castlereagh (No. 8). Respecting the dismissal of Mr. Justice Thorpe.

15

(This with enclosures to page 25, printed in full in Note D.)

November 16,
Treasury.

Harrison to Cooke. Transmits report on the Public Accounts of Upper Canada for Castlereagh's remarks.

381

November 21,
London.

H. Thornton to Cooke. Encloses a memorial from Mrs. Da Costa for a pension.

382

Enclosed. Memorial from Mrs. Da Costa, stating her husband's services.

383

Further memorial.

388

Copy of secret instructions to Captain Costa, by General James Murray, dated at Minorca, 7th December, 1781.

390

Certificate by Murray of the zeal and bravery of Captain Costa, at the siege of St. Philip's Castle, Minorca, dated London, 6th December, 1783.

391

Other documents respecting Captain Da Costa's services.

392 to 396

November 22,
London.

Lieut. Col. W. Johnson to Castlereagh. Forwards memorial from Lady Johnson. Sir John Johnson's desire that he should come to Canada, which he himself is anxious to do so as to be of service at this time.

397

Enclosed. Petition of Dame Mary Johnson, wife of Sir John Johnson, Baronet, stating Sir John Johnson's services and losses.

399

December 13,
Albany.

Mrs. Thorpe to Cooke. Respecting her situation in consequence of her husband's suspension from office.

406

(Printed in Note D.)

Q. 310

1807.

No date.

Thorpe to Shee. Complaining of the conduct of the Administration.

Page 34

Enclosed. Address by the Grand Jury of London to Gore.

40

Brant to Thorpe, 24th January, 1807.

48

(The letter, enclosures and other documents to page 102, printed in Note D.)

No date.

Correspondence and decision on the payment of privileged half fees by Lieut. Gov. Hunter in 1804.

104 to 112

No date.

Excerpt of letter from Gore to Gordon.

409

(Printed in Note D.)

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